



## Allison M. Cohen

Shareholder

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Allison Cohen's practice focuses on advising academic medical centers, hospitals, health systems, providers, and suppliers on a wide range of regulatory, reimbursement, and compliance issues.

Ms. Cohen counsels health care providers and suppliers on a variety of complex regulatory and reimbursement issues, including graduate medical education (GME) payments and academic affiliations; billing for inpatient, outpatient, and physician services; enrollment and claims submission; cost reporting and wage index issues; provider-based rules; the 60-day Overpayment Rule; the Anti-kickback Statute, and the False Claims Act.

She has extensive experience providing the legal guidance necessary to successfully navigate the various health care regulations and payment systems implicated by clinical expansions, transactions, and health care innovation. Her clients rely on her to develop solutions to compliantly achieve clinical, operational, and business objectives.

On behalf of clients, Ms. Cohen structures agreements and arrangements between providers and suppliers to comply with applicable billing and reimbursement requirements as well as federal fraud and abuse laws and regulations. In addition, she assists clients with Medicare audits and appeals, voluntary repayments, and represents health care organizations in appeals to the Provider Reimbursement Review Board (PRRB).

Ms. Cohen is active in providing regulatory counsel with respect to telehealth agreements and arrangements to provide other remote or digital health services. In this area, her practice includes analyzing and structuring telemedicine agreements between hospital systems, practitioners, and other health care providers. She regularly evaluates arrangements for remote services and provides guidance regarding reimbursement, fraud and abuse, licensure, scope of practice, supervision, and corporate practice of medicine matters.

Prior to joining Baker Donelson, Ms. Cohen practiced at another national law firm and served as a senior policy and regulatory specialist for the Association of American Medical Colleges (AAMC).



### Representative Matters

- Represented providers in appeals to the PRRB including cost report appeals and challenging Quality Reporting Program (QRP) Annual Payment Update (APU) Reductions.
- Represented clients in Medicare audits, appeals, voluntary repayments, and disclosures to CMS, its contractors, and other payors.
- Provided regulatory advice to clients in connection with internal audits and analyze billing and reimbursement issues to determine potential liability under the Federal Overpayment Rule and False Claims Act.
- Assisted with regulatory diligence and provide guidance on complex regulatory issues related to enrollment, reimbursement, provider-based regulations, and conditions of participation in connection with transactions, joint ventures, and corporate restructuring.
- Provided strategic guidance related to optimizing Medicare graduate medical education (GME) payments, taking into account new opportunities and cap slot distributions.
- Provided guidance to manufacturers to assist in remaining compliant with and navigating regulatory requirements associated with providing reimbursement support for their own products.

- Analyzed telehealth and remote monitoring arrangements to ensure compliance with the federal anti-kickback statute (AKS), beneficiary inducement civil monetary penalty law (CMPL), and state fee-splitting laws, regulations, and corporate practice of medicine regimes.



## Professional Honors & Activities

- Listed in Washington, D.C. Super Lawyers, Health Care (2025)
- American Health Law Association (AHLA)
  - Vice Chair, Academic Medical Centers and Teaching Hospitals Practice Group (July 1, 2023 – present)
- District of Columbia Bar Health Law Community
  - Chair, Steering Committee (July 1, 2020 – July 1, 2023)
  - Co-chair, Steering Committee (July 1, 2018 – June 30, 2020)
  - Co-chair, New Practitioners Committee
- Member – Women's Bar Association of the District of Columbia



## Publications

- "Noteworthy GME Payment Policies in CMS FY 2026 IPPS and IPF Proposed Rules" (May 2025)
- "Purchasing and Deploying AI Scribes: Contractual, Privacy, and Reimbursement Considerations for Health Care Organizations," AHLA Briefing (May 2025)
- "Medicare Telehealth Waivers Extended Through September 2025" (March 2025)
- "Upcoming Deadline to Apply for Medicare-Funded Residency Positions," *Payment Matters* (January 2025)
- "Medicare Telehealth Waivers Extended Until March 2025" (January 2025)
- "2025 Medicare Physician Fee Schedule: Payment and Overpayment Policies" (December 2024)
- "Noteworthy GME Payment Policies and Opportunities for Residency Slots in CMS's FY 2025 IPPS Final Rule," *Payment Matters* (August 2024)
- "How to Apply and Who's Eligible for Millions of Dollars in Funding Available for New Residency Programs and Expansions Through THCGME Grant Opportunities," *Payment Matters* (August 2024)
- "CMS Proposes Significant Changes to the Medicare Shared Savings Program and 60-Day Rule," *Payment Matters* (August 2024)
- "CMS Proposes Extending COVID-Era Telehealth and Supervision Flexibilities through CY 2025" (July 2024)
- "Graduate Medical Education Payment Opportunities for Rural Providers and Rural Track Programs," AHLA Briefing (June 2024)
- "Noteworthy GME Payment Policy Takeaways from the CMS FY 2025 IPPS Proposed Rule," *Payment Matters* (May 2024)
- "How to Keep Arrangements with Telehealth and Remote Practitioners Compliant by Understanding CMS Enrollment and Claims Submission Requirements," *American Health Law Association Health Law Connections* (December 2023)
- "2024 Medicare Physician Fee Schedule Final Rule Extends COVID-19 Telehealth Policies and Includes Bonus Extension," *Payment Matters* (November 2023)
- "DEA and HHS Extend Telemedicine Flexibilities for Controlled Substance Prescriptions Through 2024" (October 2023)
- "Significant 2024 Medicare Physician Fee Schedule Rule Proposals: E/M, Social Determinants of Health, and Behavioral Health," *Payment Matters* (August 2023)
- "CY 2024 Medicare Physician Fee Schedule: Extending Telehealth Flexibilities and Seeking Future Policy Input," *Payment Matters*, republished August 23, 2023, in Law360 (July 2023)
- "Baker's Dozen: What Are Your Best 'Balance' Tips?," *Women's Initiative Newsletter* (June 2023)

- "Making Sense of the Varying End Dates of Telehealth Waivers and Flexibilities When the PHE Ends on May 11th," *Payment Matters* (May 2023)
- "While the Public Health Emergency (PHE) is Projected to End May 11, Medicare Telehealth Coverage Expansions Were Extended Through End of 2024," *Payment Matters* (February 2023)
- "Public Health Emergency Declaration Again Extended; Key Flexibilities Decoupled" (January 2023)
- "Noteworthy Telehealth and Remote Services Provisions in the CY 2023 Medicare PFS Final Rule," *Payment Matters* (November 2022)
- "Telehealth Compliance in the Evolving Landscape Marked by Increased OIG Scrutiny," *Compliance Today* (November 2022)
- "Safeguarding Against Discrimination in Telehealth to Meet Requirements of New Federal Guidance and the Proposed Rule Implementing Section 1557 of the Affordable Care Act" (August 2022)
- "Key Telehealth Proposals in Calendar Year 2023 Medicare Physician Fee Schedule Proposed Rule," *Payment Matters* (August 2022)
- "Telehealth Flexibilities Get Another Shot Through a Temporary Extension Under the Omnibus Spending Bill" (March 2022)
- "Convening and Co-Provider Responsibilities under the No Surprises Act," *Payment Matters* (February 2022)
- "Decoding CMS' Final Rule Implementing GME Provisions in the Consolidated Appropriations Act, 2021," AHLA's *Health Law Weekly* (February 2022)
- "CY 2022 Changes to Split (or Shared) Visit, Critical Care and Teaching Physician Billing," *Payment Matters* (December 2021)
- "CMS Releases Final Rule Implementing New GME Policies and Finalizing the Methodology to Distribute 1,000 Medicare GME Slots" (December 2021)
- "Key Telehealth Provisions in the Calendar Year 2022 Physician Fee Schedule Final Rule" (November 2021)
- "OIG Reports Highlight State Challenges and Call for Increased Oversight to Improve the Provision of Medicaid Behavioral Health Services via Telehealth," republished in *Westlaw* (October 2021)
- "Telehealth, Split or (Shared) Visit, Critical Care, and Teaching Physician Billing Proposals in the CY 2022 Medicare Physician Fee Schedule Proposed Rule," *Payment Matters* (July 2021)
- "CMS Extends GME Affiliation Agreement Deadline," *Payment Matters* (June 2021)
- "Fiscal Year 2022 IPPS Proposals Related to GME Payments," *Payment Matters* (May 2021)
- "How Academic Medicine Can Stay Ahead of the Curve on Telehealth Reimbursement and Regulatory Compliance," *Health Law Connections* (May 2021)
- "The FCC's COVID-19 Telehealth Program Round 2 Application Window is About to Open for a Narrow One-Week Timeframe" (April 2021)
- "A Deeper Dive into Telehealth, Graduate Medical Education and Rural Health Care Provisions in the Stimulus Legislation," *Payment Matters* (January 2021)
- "Regulatory Sprint: Understanding the Impact on the Stark Law, Anti-kickback Statute, and Value-based Arrangements" (December 2020)
- "CMS Continues to Support Telehealth and Virtual Care Policies in the CY 2021 Medicare Physician Fee Schedule Final Rule," *Payment Matters* (December 2020)
- "CY 2021 ESRD PPS Final Rule Includes Policy Changes to Promote In-Home Dialysis," *Payment Matters* (November 2020)
- "CMS Announces Further Telehealth Expansions," republished December 1, 2020, in *Westlaw* (October 16, 2020)
- "CMS Revises Definition of Displaced Residents Counted for Temporary Transfers of GME Cap Slots," *Payment Matters* (October 2020)
- "Expanding Telemedicine Coverage Under Medicare Advantage," *Journal of Health Care Compliance* (January 2020)

- "Medicare Emergency Affiliated Group Agreements: Helping Medical Residents in Disaster Areas Continue Their Training," Medicare Report (BNA) (October 2017)
- "Conflicting Federal Court Opinions on the Availability of Premium Tax Credits for Low-Income Individuals Purchasing Health Insurance on Federally-Facilitated Exchanges," American Health Lawyers Association (AHLA) E-Alert (August 2014)
- "Hospital Groups File Lawsuits Over Two-Midnight Rule and Hospital Payment Reduction," AHLA Executive Summary (May 2014)
- "Update on Medicare's Two-Midnight Rule and Related Inpatient Stay Requirements," AHLA Institute on Medicare and Medicaid Payment Issues, Baltimore, Maryland (March 2014)
- "The Two-Midnight Rule (CMS' New Requirements for Part A Payment and When it is Appropriate to Admit a Beneficiary as an Inpatient) and the Impact on Teaching Hospitals," AHLA Executive Summary (February 2014)



## Speaking Engagements

- "The Doctor Will Stream You Now: Hot Topics in Telehealth Reimbursement," AHLA Telemedicine: Legal and Compliance Issues Conference (March 2025)
- "Graduate Medical Education Updates and Opportunities," AHLA Institute on Medicare and Medicaid Payment Issues (March 2024)
- "Recent Updates in GME Policy," AHLA Advising Providers: Legal Strategies for AMCs, Physicians, and Hospitals (February 2024)
- Co-presenter – "The Intricacies of Billing with APPs, Residents, and Auxiliary Personnel: Which Rules Apply and What Do They Require?," with Chip Hutzler, Partner, HMS Valuation Partners, AHLA Institute on Medicare & Medicaid Payment Issues (March 2023)
- "AHLA Telemedicine Webinar Series Part I: The Evolving Telehealth Framework" (March 2023)
- "Graduate Medical Education (GME) Payment Update," 2023 ADEA Annual Session and Exhibition (March 2023)
- Co-presenter – "Alexa, Call My Doctor, Telehealth and Virtual Care in a Post-COVID PHE World," with Catherine Allison, Assistant General Counsel, University of Kentucky and Gayle Lee, Director of Physician Payment Policy and Quality, Association of American Medical Colleges, AHLA Academic Medical Centers and Teaching Hospitals Institute (January 2023)
- "You Used to Call Me on My Cell Phone: Preparing for Post-PHE Telehealth," ABA Physicians Legal Issues: Healthcare Delivery & Innovation Conference (September 2022)
- "Preparing for Post-PHE Telehealth," NCHCA CLE (September 2022)
- Co-presenter – "Telehealth Soup to Nuts," with Gayle Lee, Director, Physician Payment Policy and Quality, AHLA In-House Counsel Program, Chicago, Illinois (June 2022)
- "Innovations in Healthy Aging 2022 Summit: Bridging Academia and Industry" (June 2022)
- "Graduate Medical Education (GME) Payment Update," 2021 American Dental Education Association Annual Session and Exhibition (March 2021)
- "Legal Liability Considerations Arising Out of Telehealth Interactions," AHLA Long Term Care and the Law 2021 (March 2021)
- "Integrating Telemedicine and Communications Technology-Based Services in Hospitals, Health Systems, and Physician Practices," AHLA Virtual Physicians and Hospitals Law Institute 2021 (February 2021)
- "The Integration of Telemedicine and Communications Technology-Based Services in the Teaching Hospital Environment During the COVID-19 Public Health Emergency and Beyond," AHLA Virtual Academic Medical Centers and Teaching Hospitals Institute 2021 (January 2021)
- "Telemedicine and Telehealth: An Ever-Changing Opportunity and Regulatory Landscape," D.C. Bar Health Law Community (April 2019)
- "Telehealth: Navigating Emerging Opportunities," CLE Seminar for In-House Counsel (June 2018)

- "Telehealth Policy Changes CY 2018 Physician Fee Schedule," American Osteopathic Information Association "Connected Care: Telemedicine in Practice," Webinar (December 2017)
- "GME Funding: Current State and Innovative Proposals," American Osteopathic Association (AOA) Tri-Bureau Meeting (November 2017)
- "MedPAC and Short Stays," presentation to the COTH Administrative Board (December 2014)
- "Medicare GME Funding: Current Rules, Growth Opportunities, and a Look to the Future," presentation to Residency Program Directors, University of Virginia Health System (November 2014)
- "The Two Midnight Rule and Physician Order and Certification Requirements," AHLA Physician In-House Counsel Group Webinar/Educational Call (October 2014)
- "2015 IPPS/OPPS Payment Rules, Part II: The Can't Miss Issues from the Industry's Perspective," AHLA Regulation, Accreditation and Payment (RAP) Practice Group Webinar (September 2014)
- "GME Payments: Today and in New Payment Models," presentation to the AAMC Advisory Panel on Healthcare (September 2014)
- "Update on Medicare's Two Midnight Rule and Related Inpatient Stay Requirements," AHLA Institute on Medicare and Medicaid Payment Issues (March 2014)



## Webinars

- Navigating Through the Termination of COVID-19 Public Health Emergency (PHE) and Other Emergency Declarations (August 2022)
- Telehealth and Virtual Services: An Update on Legal, Regulatory and Compliance Considerations (April 2021)



## Education

- American University Washington College of Law, LL.M., Health Law & Policy Concentration, 2011
- University of Maryland School of Law, J.D., 2007
- Duke University, B.A., Public Policy Studies, 2002



## Admissions

- District of Columbia
- Maryland Court of Appeals
- U.S. District Court for the District of Maryland