



Allison M. Cohen

Shareholder

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Ms. Cohen's practice focuses on advising academic medical centers, teaching hospitals, community hospitals, and health systems on a wide range of health care regulatory and compliance issues.

Ms. Cohen counsels health care organizations with respect to Medicare coverage and reimbursement issues, including those relating to graduate medical education (GME) payments, telemedicine, patient status, billing for inpatient and outpatient services, and complying with various federal fraud and abuse laws and regulations. On behalf of clients, she also interacts with the Centers for Medicare and Medicaid Services (CMS) to obtain regulatory interpretations and policy clarifications, and drafts comment letters for submission to federal administrative bodies. Ms. Cohen also has experience representing health care organizations in administrative litigation including Provider Reimbursement Review Board (PRRB) appeals.

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

Prior to joining Baker Donelson, Ms. Cohen served as a senior policy and regulatory specialist for the Association of American Medical Colleges (AAMC), and as a public policy specialist for the Susan G. Komen Advocacy Alliance.

Professional Honors & Activities

- District of Columbia Bar Health Law Community
 - Chair, Steering Committee (July 1, 2020 – present)
 - 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 (WBADC)
- Member – American Health Law Association (AHLA)

Publications

- "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

- "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

- 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