



Nina Adatia Marsden

(she/her)

Partner

Chair, COVID-19 Task Force

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CAPABILITIES

COVID-19 / Public Health
Emergencies

Compliance

Medicare and Medicaid
Audits, Appeals, and
Reimbursement Litigation

Medicare, Medicaid, Other
Governmental
Reimbursement and
Payment

Provider and Supplier
Operations

Clinical Laboratory

Community-Based Clinics

Hospitals and Health
Systems

Pharmacies

EDUCATION

Boston University School of
Law, Projects Editor, J.D.,
American Journal of Law and
Medicine, 2006

University of California, Los
Angeles, B.A., *magna cum
laude*, 2003

BAR ADMISSIONS

California, 2006

"I've learned that the question you are asked is not always the question you need to answer. Digging in to investigate an issue and the problem it presents, and studying the client's current operations and goals, allows me to better understand the client's real question. This often leads us down a path quite different than what the client may have originally envisioned, but leads to a meaningful result."

Nina Marsden advises hospitals, hospital systems, pharmacies, and other healthcare providers (both inside California and nationwide), on legal issues connected with transactions, operations, and reimbursement by the Medicare and Medicaid programs.

Nina serves as the firm's licensing and certification expert, regularly advising health care providers on various licensing and certification issues, from day-to-day operational issues to management of licensure and certification issues in the face of complex and ongoing business transactions. In her change of ownership work, Nina guides clients through the regulatory processes and issues associated with acquisitions, reorganizations, sales, and mergers of health care facilities, helping clients procure state and federal health care licenses and approvals and advising clients on the transition of operations. She manages constantly evolving deal structures and timelines, and develops and implements work plans that address a range of state and federal regulatory approvals with the goal of timely achieving clients' desired transactional results.

Throughout these transactions, she works meaningfully and effectively with federal and state regulators, the client's deal counsel and executive team, seller's counsel, and operations teams to manage regulatory issues. Nina is particularly well-known for her in-depth knowledge of California pharmacy law, and has years of experience working with the California State Board of Pharmacy and navigating pharmacy licensure issues.

Nina also assists clients with issues relating to Medicare reimbursement, challenging both Medicare Administrative Contractors' payment policies for specific services as well as systemic reimbursement issues facing hospitals before the Provider Reimbursement Review Board ("PRRB"). She manages

PRRB appeals for small hospital systems, reviewing adjustments, identifying issues to appeal, and implementing and managing appeal strategy. She has also advised on and managed larger group appeals involving over 500 hospitals each.

Nina is a leader both inside the firm and in the profession. She is the Chair of the firm's COVID-19 Task Force and a member of the its Health Equity Task Force and Diversity & Inclusion Committee. She regularly presents to clients and trade associations on various healthcare regulatory developments and compliance issues, Medicare reimbursement issues, and the regulatory challenges associated with healthcare transactions.

Representative Matters

- Regulatory counsel to a hospital in the aftermath of a natural disaster, advising the hospital regarding complex licensure, accreditation, and certification issues, including interactions with the California Department of Public Health and the Centers for Medicare and Medicaid Services, to strategize and manage its ability to continue to provide much-needed health care services to the community.
- Management of change of ownership process in connection with a California healthcare system's transaction to purchase seven long-term acute care hospitals and two skilled nursing facilities across seven states, including management of regulatory processes, analysis, and diligence; interactions with various state and federal agencies; and change of ownership filings for state and federal healthcare approvals
- Management of change of ownership process in connection with the reorganization of a California healthcare system involving three hospitals, including analysis and advice regarding timing and operational transition issues, as well as management of change of ownership filings for state and federal healthcare approvals
- Management of change of ownership process in connection with a California hospital system's acquisitions of new hospitals, including analysis and advice regarding timing and operational transition issues, as well as management of change of ownership filings for state and federal healthcare approvals
- Representation of over 600 hospitals across the nation in challenging the Centers for Medicare & Medicaid Services' unlawful continuation of a temporary and limited payment reduction to the Medicare Inpatient Prospective Payment System, involving approximately \$5 billion in payment reductions to Medicare hospitals
- Representation of over 2,000 hospitals in challenging an unlawful reimbursement reduction to the Medicare Inpatient Prospective Payment System, involving management of hundreds of Provider Reimbursement Review Board appeals and negotiation with the Centers for Medicare and Medicaid Services to ultimately secure \$700 million settlement
- Successfully appealed the revocation of hospital pharmacy Medicare enrollment, allowing a hospital to bill over \$1 million of Medicare services
- Assisted a California hospital in successfully challenging its Medicare Administrative Contractor's (MAC) denial of coverage for certain IVig services for transplant patients, involving careful analysis of the MAC's guidelines for coverage and payment for the service
- California regulatory counsel to a national medication management and distribution pharmacy company related to its California operations, regularly advising on the company's California pharmacy licensing and Medi-Cal enrollment issues, including changes in location and multiple corporate reorganizations.
- Regulatory counsel to a multi-state pharmacy in connection with its California operations, regularly advising on the company's California pharmacy licensing issues, including initial licensure and change of ownership.

Recognition

- Bloomberg Law "They've Got Next: Five Fresh Faces to Know in Healthcare and Life Sciences" , 2021
- Best Lawyers, Health Care Law, 2019-2025
- Super Lawyers, Southern California, 2022-2025

Professional Affiliations

- American Health Lawyers Association
- California Society for Health Care Attorneys
- American Bar Association
- Los Angeles County Bar Association
- California Lawyers Association
- Leadership Council on Legal Diversity

News

- Hooper, Lundy & Bookman Congratulates 2025 Southern California Super Lawyers
- Thirty-One HLB Attorneys Have Been Named “Best Lawyers in America 2025” and “Ones to Watch”
- Nina Marsden is Newly Named as Board of Trustee Member for The Los Angeles Ronald McDonald House
- HLB’s 2024 Southern California Super Lawyers
- Twenty-One HLB Attorneys Have Been Named “Best Lawyers in America 2024” and Five HLB Attorneys as “Ones to Watch”
- HLB’s 2023 Southern California Super Lawyers
- Twenty-Four HLB attorneys have been named “Best Lawyers in America 2023” and “Ones to Watch”
- Hooper, Lundy & Bookman Celebrates 35 Years!
- Two Hooper, Lundy & Bookman Attorneys Selected for the 2022 LCLD Fellows and Pathfinder Programs
- Hooper, Lundy & Bookman Congratulates 2022 Southern California Super Lawyers
- Nineteen HLB Attorneys Recognized in “Best Lawyers in America 2022” and “Ones to Watch,” Plus One Attorney Named “Lawyer of the Year”
- Hooper, Lundy & Bookman Congratulates 2021 Southern California Super Lawyers
- Hooper, Lundy & Bookman Elevates Eight Partners
- Best Lawyers in America Recognizes 15 HLB Attorneys; One Attorney Named “Lawyer of the Year”
- Financial Relief for Providers During the COVID-19 Pandemic: Guide
- Hooper, Lundy & Bookman Ranked in the 2020 Edition of US News/Best Lawyers in America Best Law Firms
- Hooper, Lundy & Bookman Named To American Bar Association’s Health Law Top 10 List
- Hooper, Lundy & Bookman Launches Webinar Series with Focused Discussions on Post-Acute Care Partnerships
- Hooper Lundy & Bookman Recognized Among the Top Health Law Firms in the United States by Chambers USA

Insights

- DHCS 340B Drug Pricing Self-Audit Requests
- Proposed California Law Would Mandate AG Approval for Almost All Hospital Affiliations with Other Providers
- CMS Issues Second Interim Final Rule to Expand Provider Flexibility and Coverage During the COVID-19 Pandemic
- CMS Grants Rhode Island 1135 Waiver Request
- California Department of Public Health Requests 1135 Waiver During COVID-19 Emergency
- CDPH SUSPENDS ENFORCEMENT OF HOSPITAL LICENSING REQUIREMENTS
- Increased Flexibility for Out-of-State Physicians to Assist with COVID-19 Response
- Section 1135 Waivers Issued Following President’s Emergency Declaration
- COVID-19 Response: HLB Resource Page, California State of Emergency and Guidance, and CMS Survey Guidance

- What the Supreme Court's Azar v. Allina Ruling Means for Health Care Providers
- MACs Improperly Eliminate Pass-Through Treatment of Hospital Allied Health Program Costs

Events

- Kelly Delmore and Claire Ernst to Speak at the California Lawyers Association
- Katrina Pagonis and Nina Marsden are speaking at AHLA's Institute on Medicare and Medicaid Payment Issues
- Mandatory Electronic Filing and PRRB Rule Changes: Practice Pointers for Filing and Managing Your PRRB Appeals Webinar
- California Hospital Association Compliance Webinar
- Webinar: Hospital Price Transparency: Preparing for January 2021
- Legal Considerations with Implementing Sustainable Telehealth Programs During the Pandemic and Beyond
- COVID-19 Financial Relief for Providers: CARES Act Provider Relief Fund, Uninsured Program, and Coverage Issues
- Webinar: COVID-19 Financial Relief for Providers—Supplemental Payments, Loans, and Beyond
- Webinar: CARES Act – Hot Topics for Health Care Providers
- MHA 2019 Outpatient Prospective Payment System Update
- BHC 2017 Annual Conference on Current Healthcare Developments