



## Kelly A. Carroll

(she/hers)

### Partner

### Co-Chair, Medicare Appeals Practice

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#### CAPABILITIES

Administrative Law

Government Investigations

Litigation, Mediation,  
Arbitration

Medicare and Medicaid  
Audits, Appeals, and  
Reimbursement Litigation

Medicare, Medicaid, Other  
Governmental  
Reimbursement and  
Payment

Public Agency Law

Research

Digital Health and Other  
Health Technologies

Academic Medical Centers  
and Teaching Hospitals

Hospitals and Health  
Systems

Trade Associations

#### EDUCATION

University of Pennsylvania,  
Perelman School of  
Medicine, M.B.E., 2012

Saint Louis University School  
of Law, J.D., 2010

Haverford College, B.A., 2000

#### BAR ADMISSIONS

Washington, D.C., 2014

Pennsylvania, 2011

“Health care law is endlessly fascinating as it is constantly evolving with new issues arising all the time. But it is the practical impact of my work helping providers deliver care that is the most satisfying part of my job.”

Kelly Carroll represents hospitals, physicians, long-term care facilities, and other providers in reimbursement disputes before the Provider Reimbursement Review Board and in federal and state courts. She has a deep understanding of the complex Medicare and Medicaid reimbursement landscape and has helped to secure or recover millions of dollars in payments for health care providers.

Kelly advises clients on all aspects of the reimbursement cycle ranging from initial rulemaking to conclusive appeals. She also advises health care providers and state agencies on matters involving federal funding of state health care programs and disputes with the Centers for Medicare & Medicaid Services (CMS).

In addition to her reimbursement and compliance work, Kelly also leverages her academic and professional background in medical ethics to provide guidance on legal and ethical issues relating to informed consent and clinical research.

Prior to her legal career, Kelly conducted NIH-funded bioethics research at the University of Pennsylvania and Saint Louis University, and she was awarded a fellowship at the Institute for Ethics of the American Medical Association. Kelly also served as the Executive Managing Editor of *The American Journal of Bioethics*.

#### Representative Matters

- Served as co-counsel for hundreds of hospitals in federal litigation and drafted trade association comments resulting in invalidation and withdrawal of the 0.2 percent reduction to Medicare hospital payment rates made by the Secretary of Health and Human Services in connection with the “Two-Midnight Rule.”
- Represented Medicaid agency in disallowance appeals against CMS before the Departmental Appeals Board, successfully negotiating settlement.

- Served as co-counsel to hospitals before state administrative courts and in federal court challenging Medicaid DSH repayment demands predicated on CMS guidance promulgated in a frequently-asked-questions document. Federal courts found CMS's FAQ guidance invalid and the agency revoked the guidance document.
- Currently representing hundreds of hospitals in appeals before the Provider Reimbursement Review Board and in federal court on a wide range of Medicare reimbursement issues, including DSH payments, wage index, GME, outlier payments, and standardized amount reductions.
- Successfully defended hospitals in False Claims Act litigation, securing dismissals.
- Represented Critical Access Hospital in a novel Medicare reimbursement dispute before a federal appeals court.

### Professional Affiliations

- American Health Lawyers Association
- American Bar Association
- D.C. Bar, Health Law Section
- Leadership Council on Legal Diversity

### News

- HLB Article Republished in Thomson Reuters Westlaw Today
- Katrina Pagonis and Kelly Carroll's Case Reported in Law360 Article, "DC Circ. Nixes Medicare Hospital Inpatient Payment Rule"
- Katrina Pagonis and Kelly Carroll's Case Reported in Bloomberg Law Article, "Disputed Medicare Hospital Pay Rule Vacated by Appeals Court"
- HLB Successfully Reverses Adverse PRRB Decision on Medicare DSH-SSI Match Process
- Kelly Carroll Quoted in Modern Healthcare – CMS 340B Hospital Proposal a "Hard Pill to Swallow" for Some

### Insights

- The AI Landscape: California and other State Legislative Efforts to Regulate Use of AI in Health Care
- Supreme Court Decision Overturns Deference to Agency Interpretations of the Law
- HHS Issues Guidance Regarding Informed Consent and Patient Privacy in Medical Training Settings
- Proposed Rule on Remedy to 2018–2022 340B-Acquired Drug Payment Policy Would Reduce Non-Drug Outpatient Payments by 0.5% for 16 Years
- PRRB Ends Alert 19 And Resumes Normal Pre-Pandemic Deadlines

### Events

- Kelly Carroll and Catherine Wicker to Attend LCLD Pathfinder Spring Meeting
- CHA's Hospital Finance Week Webinar Series
- Mandatory Electronic Filing and PRRB Rule Changes: Practice Pointers for Filing and Managing Your PRRB Appeals Webinar
- Looking Back and Looking Ahead — What's in Store for the Rest of 2019