



Arthur E. Peabody, Jr.

Of Counsel

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CAPABILITIES

Administrative Law

Compliance

Litigation, Mediation,
Arbitration

Medicare and Medicaid
Audits, Appeals, and
Reimbursement Litigation

Medicare, Medicaid, Other
Governmental
Reimbursement and
Payment

Payor-Provider Disputes

Home Health

Skilled Nursing Facilities
(SNFs) and Long-Term Care
Providers

EDUCATION

Cornell Law School, J.D., 1972
Northeastern University,
B.A., *cum laude*, 1969

BAR ADMISSIONS

Virginia, 2002
Washington, D.C., 1983
Massachusetts, 1973

"I use my courtroom and advocacy skills to ensure providers obtain the best result in any health care dispute, avoid risks in health care regulatory matters, and obtain maximum Medicare reimbursement. Helping providers address new challenges in these times of tight budgets, resource shortages, medical advances, and the aftermath of Covid is the objective of my practice."

A distinguished trial lawyer with decades of courtroom experience and a vast and varied healthcare practice, Arthur Peabody Jr. represents hospitals, health systems, and other providers in cutting-edge administrative and federal court litigation. Arthur has a record of success in addressing new and emerging issues faced by hospitals and other providers by creating novel, innovative arguments supported by the skillful marshalling of the facts in both the federal courts and before the Provider Reimbursement Review Board (PRRB). His experience in government and in the private sector gives him a rare perspective on both government and provider interests that benefits providers in maximizing reimbursement and avoiding compliance pitfalls.

With over 15 years of experience litigating Medicare cost report appeals before the PRRB, representing both providers and Medicare Administrative Contractors (MACs), Arthur has a deep understanding of Medicare payment and reimbursement issues. He has addressed the entire range of reimbursement disputes that are denying hospitals millions of dollars of Medicare reimbursement. Arthur provides strategic counseling about practical and proactive measures that can be implemented to avoid denials in the future.

In addressing a host of issues confronting hospitals in their day-to-day operations, Arthur has substantial experience with legal issues arising from HIPAA compliance, surprise billing, employment discrimination, health care fraud, privacy, and cybersecurity.

Arthur is the author of book chapters and articles about the impact of precision medicine (genetic testing) and the use of information technology in health care — addressing how advanced technologies and new medical advances raise complex issues, including risks of liability, for hospitals and

physicians to navigate.

Prior to joining the firm, Arthur represented MACs as the head of a government contracted program and in private practice. In Arthur's diverse career at the U.S. Department of Justice, he served as an Assistant United States Attorney for the Eastern District of Virginia (Alexandria's "rocket docket") and as a member of the Senior Executive Service where he held high-level executive positions in the Civil Rights Division. In this capacity, he traveled to 46 states, appeared in 34 different federal district courts, and negotiated settlements with governors and state attorneys general.

Arthur received commendations from three U.S. Attorneys General for his contributions to the Department's civil rights enforcement program, as well as numerous awards and accolades from federal agencies, including recognition by the HHS OIG.

A volunteer mediator for the District of Columbia federal courts, Arthur has served since 1996. He has mediated a wide range of disputes – from denials of Medicaid mandated services to suits alleging violations of the Individuals with Disabilities Act (special education).

A frequent speaker at meetings of healthcare organizations, including the American Health Lawyers Association (AHLA), state and local chapters of the Health Finance Management Association (HFMA), and the Health Information Management Systems Society (HIMSS). In the American Bar Association (ABA), Arthur is active in the Health Law and Dispute Resolution sections.

Deeply involved in his community, Arthur serves on the Board of the Alexandria Symphony Orchestra. He was elected to the Alexandria City School Board and served for six years, including as the Chair.

Professional Affiliations

- American Bar Association
- American Arbitration Association
- American Health Lawyers Association
- Health Finance Management Association
- American Association of Healthcare Administrative Management
- American College of Healthcare Executives
- United States Courts for the District of Columbia

News

- Several HLB Lawyers Author AHLA'S Hospitals and Health Systems, Second Edition
- Hooper, Lundy & Bookman Celebrates 35 Years!
- 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

Insights

- Arthur E. Peabody, Jr. Published in Journal of AHIMA, "A Collaborative Approach to Medicare Bad Debt Reimbursement"
- MAC Denials of Pass-Through Treatment of Costs of Allied Health Programs Operated by Hospitals Continue and are Spreading

- States Acting to Limit Legal Liability of Healthcare Providers, Physicians and Healthcare Professionals for Care Provided During COVID-19 Pandemic
- PRRB and CMS Suspend or Extend Many Appeal and Medicare Cost Report Deadlines Due to Covid-19 But Some Critical Deadlines Remain Unchanged
- MACs Impose New “Continuous” Collection Effort Requirement for Medicare Bad Debts