

Clinical Laboratory Reimbursement (Medicare, Medicaid, and Managed Care)

A Practical Guidance® Practice Note by Paul Garcia, Andrew Hayes, and Ian Tapu,
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This Lexis Practical Guidance practice note by Paul Garcia, Andrew Hayes, and Ian Tapu, Hooper, Lundy & Bookman P.C., provides an overview of clinical laboratory reimbursement under Medicare, Medicaid, and managed care plans, highlighting the coverage, billing, documentation, and medical necessity requirements that drive payment decisions. It explains common audit and denial risks, compares reimbursement frameworks across payers, and offers actionable guidance for managing compliance, responding to reviewer requests, and building effective billing and compliance programs to reduce reimbursement exposure.

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Paul Garcia, Partner, Co-Chair, Clinical Laboratory Work Group, Hooper, Lundy & Bookman P.C.

Paul Garcia makes good on that promise, guiding providers and clinical laboratories through their highest-stakes reimbursement, litigation, and regulatory challenges. His strategic counsel is informed by firsthand experience developing policy within California's Medicaid program (Medi-Cal), giving him a unique insider's perspective on how government payors operate and where the law and business realities collide.

Paul's clients, including hospital associations, hospital systems, and clinical laboratories, turn to him for his expertise on state Medicaid, Medicare, and audits and investigations. He provides actionable counsel on internal investigations of potential overpayments under the 60-Day Rule, develops compliance programs to protect clients from costly government scrutiny, and represents clients in litigation, particularly related to reimbursement disputes. His forward-looking guidance was critical during the COVID-19 pandemic and continues to help clients navigate the operational impact of significant new rulemaking from the Centers for Medicare & Medicaid Services (CMS).

Paul began his legal career with the Department of Health Care Services (DHCS), the single-state agency that administers California's Medicaid program (Medi-Cal). There, he provided legal counsel to develop and support Medi-Cal managed care financing and reimbursement policy, including DHCS's implementation of the 2016 Medicaid Managed Care Final Rule as it relates to key reimbursement programs and state directed payment arrangements.

Andrew Hayes, Associate, Hooper, Lundy & Bookman P.C.

Andrew Hayes' practice focuses on litigation and compliance counseling. His litigation practice includes False Claims Act and fraud and abuse litigation, Medicare and Medicaid reimbursement disputes, and other matters at the trial and appellate levels and in administrative proceedings or enforcement actions. Andrew's ability to craft compelling narratives and to see issues from the point of view of regulators as well as providers form the foundation of his litigation approach.

In his compliance counseling, Andrew leverages his experience working on health information, electronic records, data privacy and security, interoperability, and related issues to assist his clients in navigating the complex regulatory landscape at the intersection of health care and technology. Prior to law school, he worked with several medical providers on Electronic Health Record projects, including at large academic medical centers and safety-net hospitals. He has also published research on health information exchange among providers in various contexts, including in medical, psychiatric, social services, and criminal justice systems. These experiences enable Andrew to provide sound, actionable advice on novel regulatory frameworks, including those relating to telehealth and health information blocking issues.

Andrew's practice also encompasses investigations in response to qui tam whistleblower actions and inquiries from government agencies. In the context of an investigation, his experience in healthcare operations and systems allows Andrew to construct a clear record, despite the complexities relating to navigating volumes of health care data and diffuse decisions by clinicians and administrators.

Ian Tapu, Associate, Hooper, Lundy & Bookman P.C.

Ask Ian Falefuafua Tapu to define how he approaches the practice of law, and the words that come to mind are "laulima" and "galulue fa'atasi." Meaning "to work together" in Native Hawaiian and Samoan respectively, this phrase captures the fierce commitment and collaborative spirit Tapu brings to his work. They are among the many characteristics that make Tapu an exceptional litigator, an effective advocate, and an attorney who impresses and inspires clients and colleagues alike.

Tapu brings a wealth of diverse experience and insights to his representation of providers, organizations, and other clients in a wide range of health care litigation. Having served as a law clerk to three judges in Hawaii at the state and federal level, each with their own distinct approaches, styles, and priorities, Tapu developed an appreciation for how judges make decisions and the types of arguments and strategies most likely to create the desired impact and result. This 360-degree perspective informs his powerful and persuasive oral and written advocacy and led to an impressive record of results. Tapu's experience before joining HLB also includes representing clients in complex commercial litigation matters.

As a first-generation college graduate and attorney from a large but close-knit family, Tapu intuitively understands the importance of listening to a wide range of views and the indispensability of collaboration when advocating for his clients. He takes immense pride in his Pacific Islander heritage and recognizes the privilege and responsibility of representing that heritage in the legal profession. Inspired by his grandparents and their journey navigating health care as immigrants, Tapu is passionate about health care law and understands the impact his work can have on patients' lives.

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