

MICHAEL D. ROTH, ESQ.
ARBITRATOR, MEDIATOR, HEARING OFFICER
LAW OFFICES OF MICHAEL DUNDON ROTH LLP
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ARBITRATION/MEDIATION/HEARING OFFICER PANELS

- Member of American Arbitration Association ("AAA") National Roster of Arbitrators and Mediators (including Specialty Panels: Health Care; Payor-Provider; and Large Complex Commercial Disputes).
- Empanelled Arbitrator/Mediator/Hearing Officer in American Health Lawyers Association ("AHLA") Dispute Resolution Service.
- California Society for Healthcare Attorneys Hearing Officer (Completed Hearings List).
- Mediator on Southern California Mediation Association Panel
- Los Angeles Superior Court Party Select Mediation Panel (2008 until closure in 2013).

ADR PRACTICE

- Mr. Roth is a full-time neutral focusing on arbitrating and mediating disputes between and among hospitals, healthcare plans, physicians, physician groups, third party payors ("TPPs"), and other health care businesses. Examples of prior cases include:
 - Medical necessity/level of care payment disputes between hospitals and TPPs.
 - Calculation of "stop-loss" payment disputes between TPPs and hospitals.
 - Disputes between physician groups and TPPs regarding reimbursement rates for/payments to groups for providing ER care to out-of-plan enrollees.
 - Fair market value determinations between hospital and hospital-based cardiology group respecting services rendered by group over multiple years.
 - Recruitment disputes among hospitals, physician groups, and recruited physicians regarding parties' rights and liabilities under recruitment agreements and/or related employment agreements.
 - Disputes between third party payors and providers regarding prompt pay statute.
 - Physician vs. billing company dispute regarding whether claims miscoded and not timely submitted to TPPs.

- Payment-coverage issue disputes between IPAs/health plans/physician groups.
- Payment disputes between dental plans and participating dentists regarding medical necessity and compliance with standard of care.
- Ambulatory surgery center vs. governmental TPP regarding recoupment of prior payments based upon retroactive application of new reimbursement rate.
- Citations issued to skilled nursing facility ("SNF") by governmental regulatory authority.
- Dispute between provider of therapy services and SNF respecting provider's contract claims for payment against SNF.
- Contract disputes between healthcare providers respecting enforcement of non-competition provisions.

HEARING OFFICER PRACTICE

- Mr. Roth serves as hearing officer at judicial review/peer review hearings and related appellate review proceedings. He has served in this capacity at more than four dozen fair hearings/appellate reviews for hospitals, health plans, and physician groups. Examples of prior fair hearings include:

- Summary suspension: OB/GYN's treatment of unstable newborn; response to urgent C-section in several cases; working relationship with nurses and hospital administration; and reasonableness of prior proctoring requirement.

- Summary suspension: Surgeon's technical proficiency in placing central lines; management of a patient's complications after performance of a carotid endarterectomy; and related medical judgment.

- Revocation of privileges: anesthesiologist's skills in airway management; selection and dosing of anesthetic agents and intravenous fluids; and related medical judgment.

- Non-reappointment to medical staff: geographic location of physician's primary office and residence.

- Termination of practice privileges: Health plan-conducted referral audits, medical records audits, and facility site audits of physician's practice.

- Revocation of medical staff membership: non-disclosure of prior criminal conviction in application for staff privileges.

ADR TRAINING (partial listing)

- Advanced Mediation Training sponsored by AHLA.
- Mediating the Litigated Case, Straus Institute for Dispute Resolution, Pepperdine University School of Law.
- Mediating Commercial and Litigated Cases, American Institute of Mediation.
- Prescription for Healthcare Disputes: Exploring Alternative Dispute Resolutions sponsored by AAA.
- Payor Provider Arbitration Rules Training sponsored by AAA
- Mediation Training sponsored by Los Angeles County Bar Association Dispute Resolution Service.

HEALTH LAW PRACTICE (1979 - 2013)

- Mr. Roth represented health care businesses, providers, and practitioners across the health care spectrum respecting statutory and regulatory compliance (including fraud and abuse, EMTALA, and licensure), health care transactions and contracting, provider reimbursement, business and corporate matters, medical staff and peer review, quality assurance and utilization review, managed care, public advocacy, and related civil/administrative litigation.

BAR MEMBERSHIPS

- California, District of Columbia, Texas and Massachusetts.

PROFESSIONAL APPOINTMENTS, RECOGNITIONS, AND MEMBERSHIPS

- AV rated by Martindale-Hubbell in health care law, 1993- .
- Member, American Health Lawyers Association Alternative Dispute Resolution Service Council, 2014 - .
- Fellow of American Health Lawyers Association, 2013 - .
- Member, Health Care Dispute Resolution Advisory Council of the American Arbitration Association, 2013 - .
- Fellow, Litigation Counsel of America (an invitation only trial lawyer honor society limited to one-half of one percent of American Lawyers), 2010 - .
- Chair, American Health Lawyers Association Hearing Officers Ethics Committee, 2012 - .

- Listed in Best Lawyers in America (2008 Edition).
- Board of Directors, American Health Lawyers Association, 1987 - 1993.
- Member of American Health Lawyers Association, California Society for Healthcare Attorneys, and Southern California Mediation Association.
- State of California Department of Consumer Affairs - Structural Pest Control Board, 2001 - 2006; President 2002, 2006.
- Special Committee on Medical Professional Liability, American Bar Association, 1995 - 1998.
- Chair, Medicine and Law Committee of the Section on Tort and Insurance Practice of the American Bar Association, 1989 - 1990.
- Vice-Chair, Medicine and Law Committee of the Section on Tort and Insurance Practice of the American Bar Association, 1984 - 1988.
- Medicine and Law Subcommittee on Medical Malpractice and Health Law Issues, American Bar Association, 1987 - 1991.
- Editorial Board - Journal of Ambulatory Care (published by Aspen Systems Corporation), 1987 - 2000.
- Editor, California Health Law News (published by California Society for Healthcare Attorneys), 1987 - 1993.
- Chair, Health Care Law Committee of the American Bar Association/Young Lawyers Division, 1981 - 1983; Vice Chair, 1983 - 1987.
- Chair, West District of Union for Reform Judaism (URJ is congregational arm of Reform synagogues in North American, and West District encompasses 13 western States and 3 western Canadian provinces), 2010 - 2013.
- Member, URJ North American Executive Committee, 2009 - 2013; URJ Board of Trustees, 2007 - .
- Member, The Commission on Social Action of Reform Judaism, 2013 - .

- Board of Directors, Stephen S. Wise Temple, Los Angeles, California 1995 - 2005.
- Board of Directors, Jewish Social Service Agency of Washington, D.C., 1982 - 1983.
- Editor, The Health Lawyer (publication of the American Bar Association Forum Committee on Health Law), 1981 - 1983.

EDUCATION

- Boston College Law School, Newton Centre, Massachusetts, J.D. 1977.
- University of Massachusetts, Amherst, Massachusetts, B.A. 1974. Magna Cum Laude; National Honor Society of Phi Kappa Phi.

PRESENTATIONS AND PUBLICATIONS - See Attachment.

ATTACHMENT - CURRICULUM VITAE OF MICHAEL D. ROTH

PRESENTATIONS (Partial Listing)

- Faculty and Trainer, Advanced Healthcare Mediation Training, American Arbitration Association, October 2015.
- Co-presenter, Achieving Excellence: Transforming Peer Review Through Mediation, Annual Meeting of the American Health Lawyers Association, July, 2015
- Co-Presenter, Transforming Peer Review Through Mediation, American Health Lawyers Association Webinar, March 2015.
- Panelist, 2014 American Arbitration Association Healthcare Dispute Resolution Innovation & Strategy Conference; Panel: The Dos and Don'ts for Saving Time and Cost in Utilizing ADR for Resolving Healthcare Disputes, November, 2014.
- Co-presenter, Identifying and Resolving the New Disputes in Accountable Care Using ADR, Annual Meeting of the American Health Lawyers Association, July, 2014.
- Co-Presenter, Nuts and Bolts of Delivering Managed Care and Accountable Care, American Arbitration Association Webinar, June, 2014.
- Faculty, Peer Review Hearing Officer Course, American Health Lawyers Association, May, 2014.
- Co-Presenter, Nuts and Bolts of Delivering Managed Care and Accountable Care, American Arbitration Association Seminar, March, 2014.
- Speaker, Introducing AHLA's Ethics Code for Hearing Officers in Peer Review Hearings, American Health Lawyers Association Webinar, November, 2013.
- Co-Presenter, Mediating Disputes in Accountable Care and Value-Based Health Care Settings, American Health Lawyers Association, July, 2013.
- Co-Presenter, Ethical Rules for Healthcare Lawyers: What You Don't Know Can Harm You (And Your Clients), California Society for Healthcare Attorneys, April, 2013.

- Speaker, Mediating Medical Staff Peer Review Disputes, California Academy of Attorneys for Health Care Professionals, February, 2013.
- Panelist, Hot Button Issues for Neutrals and Advocates: Arbitration, Mediation and Peer Review Hearings, American Health Lawyers Association, December, 2011.
- Faculty, Peer Review Hearings: Conduct and Controversy, California Society for Healthcare Attorneys, November, 2007.
- Panelist on Medical Staff Peer Review. Fall Seminar, California Society for Healthcare Attorneys, November, 2005.
- Speaker on Managed Care Organization Credentialing and Deselection. Managed Care Law Institute, American Health Lawyers Association, December, 1998.
- Program Chair, California Health Law Update, National Health Lawyers Association, January, 1997.
- Co-Chair and Faculty, The Medical Staff: Legal Issues in a Changing Delivery System, National Health Lawyers Association. Speaker on "Economic Credentialing", November, 1992.
- Faculty, Medical Malpractice In The 1990s And Beyond, American Bar Association. Speaker on "Responding To Emerging Liabilities of HMOs and PPOs", February, 1992.
- Co-Chair and Faculty, The New Medical Staff: Legal Issues Update, National Health Lawyers Association. Speaker on "Economic Credentialing", September, 1991.
- Faculty, 1991 Health Law Update, National Health Lawyers Association, "HMO Case Law Update", June, 1991.
- Faculty, 1991 Group Health Institute sponsored by Group Health Association of America. Speaker at Special Interest Luncheon on "Health Law", June, 1991.
- Co-Chair, National Data Bank Program, National Health Lawyers Association, November, 1990.
- Faculty, Regional Conference of the Perinatal Advisory Council. Speaker on "Legal Risks of Home Health Care", June, 1989.

- Faculty, 1989 Utilization Review Management, PROs and Quality Assurance, National Health Lawyers Association. Speaker on "Avoiding Liability in Utilization Review Programs", April, 1989.
- Faculty, 1987 National Seminar of American College of Utilization Review Physicians, Speaker on "Legal Issues Effecting Hospital QA/UR", October, 1987.
- Faculty, Tax Planning Program of National Health Lawyers Association. Speaker on "Update on Corporate Restructuring", October, 1987.
- Faculty, Health Contracts Institute, National Health Lawyers Association. Speaker on "Utilization Review Contracts", November, 1987.
- Faculty and Member of Planning Committee, Utilization Management, PROs and Quality Assurance: The Legal Pitfalls, National Health Lawyers Association. Speaker on "Negotiating a Utilization Review Contract", September/October 1987.
- Faculty, 1987 Group Health Institute sponsored by Group Health Association of America. Speaker on "The Potential Malpractice Risk for Utilization Review", June, 1987.
- Los Angeles County Medical Society - General Practice Section. Speaker on "Peer Review and Physician Liability", April, 1987.
- Faculty, The Second Annual Conference on Medical Legal Issues in Ambulatory Health Care, National Health Lawyers Association. Speaker on "Mergers, Acquisitions and Other Alliances: Enter With Your Eyes Open" and also "Legal Aspects of Utilization Review", March, 1987.
- Seminar on Legal Issues in Corporate Health Care Cost Management, National Health Lawyers Association. Speaker on "Legal Aspects of Prospective and Retrospective Utilization Review", September, 1984.
- Co-Chair, "Health Law: The Challenges of Change", American Bar Association National Institute, November, 1983.
- National Hospice Organization Annual Meeting. Speaker on "Legal Rights of Patients: Termination of Life Support Systems and Do Not Resuscitate Orders", November, 1982.

- Society of Critical Care Medicine - Eleventh Annual Scientific and Educational Symposium. Speaker on panel focusing on Ethical and Legal Approaches to Decision Making in the Critical Care Unit, June, 1982.
- Faculty, 1981 Health Law Update, National Health Lawyers Association, "Informed Consent, The Role of Hospital, Physician and Patient", May, 1981.

PUBLICATIONS

- "Identifying and Resolving Disputes in New Accountable Care Settings," AHLA Connections Magazine (published by American Health Lawyers Association), December, 2013
- "Exclusive Provider Organizations: A Legal Perspective," Contract Healthcare (published by Johnson & Johnson, Inc.), November, 1988.
- "Utilization Review Employed by Managed Care Programs: A Legal Perspective," Medical Interface (published by Medicom International, Inc.), January, 1988.
- Published article on "Problems of Physician Referral Services" in October 23, 1987 and November 6, 1987 issues of American Medical News (national publication of the American Medical Association).
- "Corporate Restructuring: What Adoption of a Multicorporate Structure Offers a Home Health Agency," Caring Magazine (published by National Association for Home Care), January, 1987.
- "Utilization Review: Lowering Costs and Liability," California Health Law News (published by California Society for Healthcare Attorneys), December, 1986.
- "Legal Aspects of Utilization Review: How to Reduce Potential Liability," Professional Liability Newsletter (published by the Insurance Corporation of America), December, 1985.
- "Dealing with Unsafe Requests," Dimensions of Critical Care Nursing (published by J. B. Lippincott Company), January/February, 1985.

- "Are Nurses Practicing Medicine in the ICU?" Dimensions of Critical Care Nursing (published by J. B. Lippincott Company), July/August, 1984.
- "Dilemma of Tarasoff: Must Physicians Protect the Public or Their Patient?" Law, Medicine and Health Care (published by the American Society of Law and Medicine), Fall, 1982.
- "Informed Consent: The Need to Keep Lawyers and Physicians Informed of One Another," The Health Lawyer (published by American Bar Association), Fall, 1982.
- "Medical, Legal and Ethical Issues in Critical Care," Critical Care Medicine, Vol. 10, No. 1.
- "Tarasoff: Patient Privacy vs. Public Protection," Maryland State Medical Journal, April, 1981.
- "What Every Perinatologist Should Know About Medicolegal Problems," Contemporary OB/GYN (published by Medical Economics), October, 1981.