

## Adam J. Hepworth

### Partner

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Adam J. Hepworth's practice focuses on Medicaid and Medicare, administrative appeals, health privacy laws, and compliance with health care fraud and abuse laws. He is a partner in the firm's Health Care and Life Sciences Sector and has been recognized since 2020 in *Chambers USA*:

**“Adam Hepworth is a walking encyclopedia of healthcare regulations.”**

**“He is a delight to work with and we feel very confident in his advice and counsel.”**

**“Adam is incredibly thoughtful. He is someone that I talk to about strategy, not just what the right answer is.”**

Adam has represented hospitals, Federally Qualified Health Centers (FQHCs), DME suppliers, and other providers in numerous Medicaid administrative appeals. He argued *Tulare Pediatric Health Care Center v. State Department of Health Care Services*, resulting in a decision from the California Court of Appeals recognizing the state's obligation to pay FQHCs a Medi-Cal per-visit rate that reflects their full costs when they contract with an outside medical group.

Adam has written, presented, and counseled clients on how to navigate federal and state health privacy laws — including the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the federal substance use-disorder privacy regulations at 42 C.F.R. Part 2 — when developing integrated models of care that address the social determinants of health. Adam has special expertise advising California public hospitals, health plans, and hospital authorities on complex health care issues at the intersection of local government law and federal and state health care programs, including prosecuting and defending writs of mandate. He has also worked on state legislation addressing FQHC reimbursement, health privacy, managed

care network adequacy, clinic licensure, hospital authority governance, telehealth, Medicaid supplemental payments, and behavioral health delivery systems.

Adam has often assisted health care providers to comment on federal and state rules addressing Medicaid managed care, Medicaid and Medicare reimbursement, HIPAA, the federal substance use-disorder privacy regulations and Knox-Keene licensing requirements.

Prior to joining Foley, Adam was a law clerk for Judge Harris L. Hartz on the 10th Circuit U.S. Court of Appeals.

## Representative Experience

- Secured a court decision overturning a state Medicaid's agency's denial of an FQHC's change in scope of services request, allowing the community clinic to receive a significantly higher prospective payment system rate.
- Secured dismissal of writ of mandate against county behavioral health plan alleging inadequate mental health network.
- Settled Medi-Cal public hospital cost report appeals to restore tens of millions of dollars of costs disallowed during state audits.
- Provided strategic advice on legislation addressing Medi-Cal behavioral health financing and payments, specialty mental health network adequacy, and Behavioral Health Services Act requirements.
- Assisted provider association to draft state legislation modernizing Medicaid enrollment and reimbursement policies for telehealth clinic services.
- Counseled multistate health system through internal audit, investigation, and OIG self-disclosure of overpayments caused by noncompliance with Medicare and Medicaid regulatory requirements.
- Investigated, self-disclosed to CMS, and resolved health system Stark violation involving numerous physician lease arrangements across multiple hospitals and campuses.
- Advised county public health department on creation of integrated care teams to serve clients impacted by health care, housing, and justice issues, including development of policies and procedures for sharing protected information.
- Counseled nonprofit health system on the implementation of a hospital-at-home program, including evaluation of temporary Centers for Medicare & Medicaid Services (CMS) waivers, fraud and abuse laws, scope of practice limitations, and corporate practice prohibitions.
- Provided specialized Medicaid counsel in due diligence for national durable medical equipment (DME) transaction involving Medicaid enrollment and reimbursement in multiple states.

## Awards and Recognition

- Awarded *Los Angeles Business Journal* Healthcare Leadership Award (2024)
- *Best Lawyers®* Ones to Watch, Health Care Law (2021-2024)
- Awarded *Daily Journal* Top Healthcare Lawyers (2023)

- *Chambers® USA, Healthcare (2020-2024)*

## Affiliations

- Immediate Past Chair, Health Law Committee of the California Lawyer's Association
- Member, California Society for Health Care Attorneys
- Member, American Health Lawyer's Association
- Member, Los Angeles County Bar Association (Health Law Section)

## Presentations and Publications

- Co-author, "Health-Related Social Needs: Three Trends in Leveraging Community Partnerships," *Health Care Law Today* (March 27, 2024)
- Speaker, "Strategies for Working with and Discharging Homeless Populations," Hospital Association of Southern California's 2024 Annual Meeting (May 21, 2024)
- Co-author, "FQHCs: Medicaid Litigation Year in Review," *Health Care Law Today* (January 9, 2024)
- Speaker, "FQHC Affiliations: Partnering with Community-Based Primary Care," California Society for Healthcare Attorneys Fall Seminar (November 10, 2023)
- Co-author, "What FQHCs Need to Know About Telehealth After the PHE," *Health Care Law Today* (April 10, 2023)
- Co-author, "HHS Proposes to Align Federal Substance Use Disorder Law with HIPAA," *Health Care Law Today* (November 30, 2022)
- Author, "FQHCs: Proposed Guidance Addresses Health Center Delivery of Telehealth Services," *Health Care Law Today* (October 3, 2022)
- Author, "Privacy, Information Blocking, and California's Data Exchange Framework: A Goldilocks Dilemma for Health Care Providers," *California Health Law News* (Fall 2022)
- Co-presenter, "Transactions with FQHCs," American Health Law Association (May 11, 2022)
- Presenter, "FQHCs in the Age of Telehealth," California Lawyers Association Health Law Committee Meeting (December 14, 2021)
- Co-presenter, "Strategies for Difficulty to Discharge Patients," California Association of Public Hospitals Member Meeting (December 8, 2021)
- Panelist, "Medicaid Overview," American Telemedicine Association's EDGE Policy Conference (December 7, 2021)
- Co-author, "CMS Requires COVID-19 Vaccination for Health Care Facility Staff," *Health Care Law Today* (November 9, 2021)
- Author, "Episode 16: Community Health Centers: Issues Facing FQHCs Today," *Health Care Law Today* and *Health Care Law Today Podcast* (July 27, 2021)
- Co-author, "Payment Dispute with a Medicaid Health Plan? State Not Obligated to Help, According to Federal Court," *Health Care Law Today* (July 14, 2021)
- Presenter, "Federally Qualified Health Centers (FQHCs) – Overview and Emerging Issues," AHLA Educational Call (April 9, 2021)

- Co-author, “Congress Requires New Reporting for States That Make Medicaid Supplemental Payments,” *Health Care Law Today* (February 23, 2021)
- Presenter, “Diving Deeper into the Revised Stark and Kickback Rules,” Foley & Lardner webinar (January 26, 2021)
- Co-author, “New HHS Board Will Hear 340B Drug Pricing Disputes,” *Health Care Law Today* (December 15, 2020)
- Presenter, “Social Determinants of Health: Use of Medicare and Medicaid Funds,” County Counsels’ Association of California’s Health and Welfare Fall 2020 Study Section Meeting (October 29, 2020)
- Presenter, “Digging Deeper in Your Audits: An Investigative Approach to Effective Compliance, the 60-day Rule, and Identifying Overpayments,” AHLA Virtual Fraud and Compliance Forum (September 29, 2020)
- Co-author, “Patient Records: Part 2 Final Rule Reduces Substance Use Disorder Record Sharing Barriers,” *Health Care Law Today* (July 15, 2020)
- Presenter, “Medicaid Payment Reform – Uncertain Future of Supplemental Payments,” American Health Law Association (May 5, 2020)
- Co-author, “COVID-19: CARES Act Overhauls Federal Substance Use Disorder Privacy Law,” *Foley’s Coronavirus Resource Center* and *Health Care Law Today* (March 26, 2020)
- Co-author, “FQHCs: Practical Impacts of Governance Requirements,” *Health Care Law Today* (January 8, 2020)
- Co-author, “FQHCs: Four Reimbursement Traps for the Unwary,” *Health Care Law Today* (December 9, 2019)
- Co-author, “CMS Proposed Enhanced Scrutiny over Medicaid Supplemental Payments,” *Health Care Law Today* (November 20, 2019)
- Co-author, “FQHCs: The Nuts and Bolts of Medicaid Reimbursement,” *Health Care Law Today* (November 13, 2019)
- Co-author, “Five Tips for Contracting with Federally Qualified Health Centers,” *Health Care Law Today* (November 7, 2019)
- Co-author, “Proposed Changes to Part 2 Rules Ease Substance-Use Disorder Record Sharing,” *Health Care Law Today* (August 27, 2019)
- Presenter, “Yes, We Can Share Behavioral Health Data: Common Misconceptions and Barriers to Information Exchange,” Michigan Health Information Network Legal Summit (June 3, 2019)
- Co-Author, “DC District Court Holds that Medicare Payment Cuts for 340B Drugs Exceeded Agency’s Authority,” *Health Care Law Today* (January 8, 2019)
- Presenter, “Substance Use Disorder Privacy Laws: Navigating Federal and State Requirements,” Health Care Compliance Association, San Francisco Regional Conference (November 30, 2018)
- Presenter, “Recent Trends and Hot Topics in Healthcare: Unraveling the ACA,” Association of Corporate Counsel (August 7, 2018)
- Presenter, “42 CFR Part 2 and Integrated Models of Care,” Florida Hospital Association (March 28, 2018)

- Co-author, "California: Proposed Legislation Regulating Health Care Rates for Payors and Providers," *Health Care Law Today* (April 19, 2018)
- Co-author, "California Medicaid Agency Proposes Significant Restrictions on FQHC and RHC Reimbursement," *Health Care Law Today* (March 13, 2018)
- Co-author, "SAMHSA Finalizes Second Round of Changes to Federal Substance Use Disorder Privacy Rule," *Health Care Law Today* (January 11, 2018)
- Author, "Administrative Enforcement Tools," *Health Law Handbook*, 2017 Edition (2017)
- Presenter, "Medicaid Reimbursement Update," County Counsels' Association of California (November 17, 2017)
- Author, "Ninth Circuit Victory Opens the Door to Medicaid Reimbursement Challenges Based on Equal Access Requirement," *AHLA Bulletin* (August 23, 2017)

## **Sectors**

- [Health Care & Life Sciences](#)
- [Payor Provider Convergence](#)
- [Providers of Health Care Services](#)

## **Practice Areas**

- [Corporate](#)
- [Health Care](#)
- [Health Care Regulatory](#)

## **Education**

- Stanford Law School (J.D., 2013)
  - Co-editor, *Stanford Journal of Law, Science, and Policy*
  - Student fellow, Center for Law and the Biosciences
- Stanford University (B.A., with distinction, 2009)
  - Phi Beta Kappa
  - Interdisciplinary Honors, Ethics in Society

## **Admissions**

- California
- U.S. District Court for the Central District of California