

Jonathon E. Cohn

SENIOR PARTNER

he / him / his

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Jon believes that the keys to effective legal representation include understanding our clients' goals and identifying realistic pathways to achieve those goals. He knows clients value honesty, reliability, experience, and legal professionals who are knowledgeable about the worlds in which they operate.

For more than 30 years, Jon has focused on representing institutional health care providers, including general acute and long term care facilities. He is an experienced litigator and trial lawyer, and has represented health care providers in a variety of commercial disputes in state and federal courts in California and throughout the country. Jon has defended providers against reimbursement and compliance claims in administrative tribunals and state and federal courts, including the United States and California Supreme Courts. He also appears regularly in proceedings before the Departmental Appeals Board, which is the judicial body of the Department of Health and Human Services.

Jon represents providers in transactional matters ranging from single facility deals to multi-million dollar sales, purchases, or leases of multi-facility chains involving multiple classes of licensure. He has helped clients obtain and protect licenses and certifications for:

- General acute care hospitals
- Nursing facilities
- Sub-acute facilities
- ESRD dialysis clinics
- Post surgical recovery centers
- Ambulatory surgery centers
- Behavioral health centers
- Specialty hospitals
- Home health agencies
- Hospice care providers
- Adult day health care facilities
- Home care companies
- Federal health care clinics
- PACE program providers
- Assisted living facilities

Capabilities

- Behavioral Health
- Commercial Litigation
- Health Care Compliance
- Health Care Litigation
- Health Care
- Home Health, Home Care & Hospice
- Senior Housing & Long Term Care
- Litigation

- Continuing care retirement communities
- Alcohol and drug treatment programs
- Group homes

Jon has defended clients in enforcement proceedings and from penalties ranging from CMPs and payment denial to termination from the Medicare/Medicaid Programs and license revocation. He has also been appointed as special health care counsel in multiple bankruptcy cases. Jon has been an expert witness and testified on a variety of topics related to health care including the provider based rules, the Anti-Kickback Statute, the False Claims Act, Medicare billing, hospital-based transactions and a variety of topics related to nursing facility transactions.

Education

- University of California, Los Angeles School of Law (J.D., 1988)
- Pomona College (B.A., *cum laude*, 1984)
 - History

Bar Admissions

- California, 1988

Court Admissions

- United States Supreme Court
- State of California
- United States Court of Appeals for the Ninth Circuit
- U.S. District Court, Northern District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Central District of California

Memberships

- American Health Law Association
- California Association of Health Facilities
- American Health Care Association
- California Association Medical Staff Services
- California Society of Healthcare Attorneys
- American Arbitration Association
 - Certified Arbitrator

Recognition

- Selected for inclusion in *Best Lawyers in America*® for Health Care Law, 2020-2026
- Adjunct Professor of Health Care Law at University of California-Los Angeles (UCLA) School of Law

Publications

April 24, 2020

HHS Makes Funds Available to SNFs to Care for Uninsured COVID-19 Patients

Co-Author, COVID-19 Blog

May 2019

California Bill Would Require Hospitals, Clinics and Other Health Facilities to Report Allegations of Patient Sexual Abuse to State Regulators

November 2018

Senate Bill 1152: California's Hospital Discharge Policy for Homeless Patients and How It May Affect Substance Use Disorder Treatment Providers

April 4, 2017

Navigating the Medicare Revocation Statute: Traps for the Unwary

Author, California Healthcare News

January 10, 2017

CMS Rule Prohibiting Binding Arbitration Put on Hold

Author, California Healthcare News

October 11, 2016

The Broadening Definition of Elder Abuse

Author, California Healthcare News

July 12, 2016

Don't Have a Heart Attack...but Enforcement Scrutiny is Increasing Against Some Cardiac Care Providers

Author, California Healthcare News

January 7, 2016

CMS Finalizes Quality Assessment and Performance Improvement (QAPI) Worksheets

Author, California Healthcare News

October 2, 2015

Cleaning House: CMS Proposes Sweeping Reform of Requirements for Long Term Care Facilities

Author, California Healthcare News

July 10, 2015

Where Did I Put my Key (Money)?: If it's not in the Lease it's Not Enforceable

Author, California Healthcare News

July 2, 2015

Nursing Facilities Should Take Note of California Trial Court Decision About Health Care Decision Making

Author, Arent Fox Client Alert

April 3, 2015

California Court of Appeal Confirms Limited Recovery Under Health Safety Code Section 1430(b)

Author, California Healthcare News

January 12, 2015

Seventh Circuit Declines to Adopt 'Worthless Services' FCA Theory

Author, California Healthcare News

October 7, 2014

Nursing Facilities Still Struggle with Abuse Reporting Requirements

Author, California Healthcare News

August 5, 2014

Anti-SLAPP Litigation in the Healthcare Industry Merits Careful Consideration

Author, California Healthcare News

July 7, 2014

California Court of Appeal Limits Scope of Patient Rights Claims in Elder Abuse Cases

Author, California Healthcare News

June 3, 2011

Solving the MSP Dilemma: A Strategy for Health Care Providers to Avoid Exposure Under the Medicare Secondary Payer Statute

Author, California Healthcare News

October 16, 2009

Anatomy of an Elam Claim

Presenter, California Association of Medical Staff Services, 10th Annual Education Conference; Torrance, CA

June 24, 2009

Tabloid Legislating: Parsing the Ambiguity of a Recent Patient Privacy Statute

Author, BNA's Health Plan & Provider Report

February 20, 2009

Critics Question if CMS Rating System for Nursing Homes Misleads Consumers

Author, BNA's Medicare Report

February 20, 2009

Prospect Medical Group: A Narrow Balance Billing Ruling?

Author, BNA's Health Plan & Provider Report

June 18, 2008

Dangers of Nursing Home and Health Care Facility Advertising

Arent Fox Client Alert

July 26, 2007

Public-Reporting Laws Likely Will Increase Med-Mal Cases

Daily Journal

Summer 2007

Who's Watching? Strategic, Legal and Operational Issues for Long Term Care Facilities Considering Video Surveillance Monitoring

Health Law Litigation; (6th Ed., Vol. 4)

Summer 2007

Healthcare Arbitration Agreements Face New Attacks: How Providers Can Respond and Draft Effective Agreements

California Health Law News

Unprecedented Reporting Obligations Imposed on California Hospitals

Law Watch; (Vol. 06-16)

California Law Expands Residents' Rights In Non-Certified Long-Term Health Care Facilities

Law Watch