

# Joshua D. Arters

SHAREHOLDER

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Josh has a national practice representing health care clients in high-stakes disputes where reimbursement, regulatory risk, and business operations intersect. He advises hospitals, health systems, physician groups, ambulatory surgery centers, air ambulance providers, behavioral health providers, and medical device companies in managed care disputes, reimbursement litigation, and related regulatory matters.

A significant part of Josh's practice centers on the No Surprises Act. He advises on compliance, federal independent dispute resolution proceedings, and challenges to implementing regulations. He also counsels clients through complex disputes with commercial payors and other counterparties across the country.

Clients turn to Josh for counsel on:

- Managed care disputes, reimbursement litigation, and out-of-network payment issues
- The No Surprises Act, including compliance, federal IDR disputes, and challenges to implementing regulations
- Underpayments, denials, recoupments, offsets, and payor audit disputes
- Network contracting disputes, code-editing and downcoding issues, and medical device coverage policies
- Balance billing laws, transparency requirements, and related health care regulatory matters

Josh represents clients in negotiation, mediation, arbitration, and litigation in state and federal courts nationwide. He brings a pragmatic, business-oriented perspective to complex disputes and advises clients with clarity and precision at each stage. His practice focuses on matters that directly affect revenue, operations, and regulatory exposure.

## Education

- University of Tennessee Winston College of Law (J.D., *cum laude*)
  - Health Law Society
  - Executive Editor, The Tennessee Journal of Law and Policy
  - Vice Chair, Tennessee Law Moot Court Board

## Capabilities

- Health Care Litigation
- Restrictive Covenants & Trade Secrets Litigation
- Health Care
- Managed Care & Payor Disputes
- Behavioral Health
- Hospitals & Health Systems
- Academic Medical Centers
- Post Chevron Educational Resources & Updates

- Academic Excellence Awards in Business Torts and Legal Writing
- Belmont University (B.B.A.)

## Bar Admissions

- Tennessee
- Colorado

## Court Admissions

- U.S. Court of Appeals, Third Circuit
- U.S. Court of Appeals, Fifth Circuit
- U.S. Court of Appeals, Sixth Circuit
- U.S. District Court, District of Colorado
- U.S. District Court, Eastern District of Tennessee
- U.S. District Court, Middle District of Tennessee
- U.S. District Court, Northern District of Illinois
- U.S. District Court, Southern District of Indiana

## Memberships

- American Health Law Association
- American Bar Association
- Federal Bar Association
- Tennessee Bar Association
- Nashville Bar Association
  - Chair, Health Care Committee (2020-2022)
- Nashville Bar Foundation Leadership Forum
- American Inns of Court, Belmont University College of Law Chapter
  - Executive Board (2019-2020)

## Recognition

- Named one of *Best Lawyers: Ones to Watch® in America* in:
  - Commercial Litigation, 2023-2025
  - Health Care Law, 2021-2025
- Tennessee Supreme Court “Attorney for Justice” Pro Bono Award
- Order of Barristers
- Nashville Bar Foundation Leadership Forum (2019-2020 Class)

## Matters

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- Represented a national provider in an Administrative Procedure Act challenge to federal regulations governing the independent dispute resolution process under the No Surprises Act and secured a nationwide vacatur.
- Represented a large children’s hospital system in an Administrative Procedure Act challenge to regulations establishing reimbursement rates for outpatient services under the TRICARE program.
- Represented a large hospital system in multiple Colorado surprise-billing arbitrations against a national HMO and secured favorable awards.
- Represented a large hospital system in a dispute with a commercial insurer involving

the underpayment of thousands of out-of-network emergency claims.

- Represented a group of hospitals in arbitration against a national commercial payor over reimbursement for out-of-network emergency services.
- Represented physician staffing companies in disputes with commercial payors over reimbursement for evaluation and management services, including systemic downcoding and nonpayment challenges tied to billed E/M levels.
- Represented a national hospital system in disputes with commercial payors across the country over medical necessity and procedural denials involving complex clinical, reimbursement, and utilization-review issues.
- Advised national hospital systems and physician groups on compliance with state and federal balance billing laws.
- Represented a national air ambulance company in multiple putative federal class actions involving charges for emergency air ambulance services.
- Represented medical device companies nationwide in challenges to payor medical coverage policies.

## Publications

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January 20, 2026

**2026 Health Care Reimbursement Newsletter**

February 2025

**2025 Health Care Reimbursement Newsletter**

August 7, 2024

**Top Questions Health Care Providers Should Consider in a Post-Chevron World – A Polsinelli Round Table Discussion**

January 4, 2024

**Reimbursement End-of-Year Highlights**

August 9, 2023

**CMS Halts No Surprises Act IDR Process After Federal Court Sides with Providers on Claim Batching and Increased Fees**

March 1, 2023

**Health Care Reimbursement and Payor Dispute Update**

February 8, 2023

**Federal Court Strikes Down Portions of the Final Rule Addressing the Independent Dispute Resolution Process Under the No Surprises Act**

September 15, 2022

**Health Care Reimbursement and Payor Dispute Update**

August 25, 2022

**Federal Agencies Release a Final Rule Implementing the No Surprises Act's Independent Dispute Resolution Process**

July 28, 2022

**Federal Court Strikes Additional Portions of Regulations Implementing No Surprises Act Addressing Air Ambulance Services**