

Richard C. Rose

SHAREHOLDER

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Richard Rose is a shareholder in the Health Care Litigation and Disputes Practice and a member of the Managed Care and Payor Disputes team. Leveraging almost three decades of healthcare litigation experience, Richard represents hospitals, hospital systems and other health care providers in managed care disputes and litigation in federal and state court as well as in arbitration proceedings.

Richard focuses his practice on health care reimbursement disputes, underpayments, recoupments, denials of coverage, out-of-network claims, emergency claims, inpatient and outpatient denials, general medical necessity denials, leased networks, laws and policies impacting provider reimbursement, and health plan litigation involving commercial, federal, and state payors and managed care organizations (MCOs).

Richard has utilized years of experience and success implementing all forms of resolution for these disputes, including negotiation, mediation, arbitration and litigation. Richard's litigation experience also includes complex revenue cycle, coding and cost reporting issues under the False Claims Act and defending clients in investigations and enforcement actions by government agencies such as the U.S. Department of Justice (DOJ), the Department of Health and Human Services Office of the Inspector General (HHS-OIG) and state Attorneys General.

Richard has also acted as outside general counsel to hospitals and other health care providers, guiding not only their reimbursement-related litigation, but also other challenges facing these providers in an ever-changing legal and regulatory landscape. While Richard is certainly at home in the courtroom or before other triers of fact, he also prides himself on fashioning creative compromises for his clients, helping them reach not only legal, but practical solutions. On that note, Richard has also been asked on numerous occasions to act as a mediator to resolve difficult, and at times, acrimonious litigation disputes. Richard has been a frequent lecturer at the Tennessee Health Law Forum and has been recognized for many years by *Best Lawyers in America*®.

Capabilities

- Health Care Litigation
- Health Care
- Managed Care & Payor Disputes

Education

- University of Tennessee Winston College of Law (J.D., 1995)
 - Tennessee Law Review, member

- University of Georgia (B.A., *cum laude*, 1992)
 - Honors Program Graduate

Bar Admissions

- Tennessee

Court Admissions

- Supreme Court of Tennessee
- U.S. District Court, Eastern District of Tennessee
- U.S. District Court, Middle District of Tennessee
- U.S. District Court, Eastern District of Michigan
- U.S. Court of Appeals, Sixth Circuit

Memberships

- American Inns of Court, Justices Ray L. Brock Jr. and Robert E. Cooper, Chattanooga Chapter - President, 2016, and Past Board Member
- Chattanooga Bar Association - Board Member, 2018-2020
- Associated General Contractors of East Tennessee, 2020-present Board Member/Affiliate Director
- Tennessee Bar Association

Recognition

- Chattanooga Bar Foundation - Fellow, 2021
- Mid-South Super Lawyers - Health Care, since 2021
- Selected for inclusion in *The Best Lawyers in America*® for:
 - Criminal Defense: White-Collar, 2025-2026
 - Litigation - Health Care, 2024-2026
 - Qui Tam Law, 2024-2026
 - Commercial Litigation, 2022-2026
 - Health Care Law, 2014-2026
 - Litigation - Construction, 2013-2026
- Selected for *Best Lawyers*® "Lawyer of the Year" in Chattanooga, Tennessee, for Health Care Law, 2021 & 2023

Matters

Commercial Payor Disputes and Related Matters

- Successfully represented large hospital system in litigation with managed care organization (MCO) involving out-of-network emergency services.
- Successfully represented hospital systems in disputes with leased/rental networks, involving silent PPO laws
- Successfully represented large hospital system in litigation with jail health payors, resulting in settlement
- Drafted Managed Care reimbursement provisions in state COPA
- Represented physician group in litigation with Medicaid MCO relating to outpatient treatment

Government Investigations

- Represented two public hospitals in DOJ investigation involving inpatient coding initiatives. Successfully resolved without criminal liability.
- Represented large Georgia DME supplier in criminal investigation regarding alleged improper coding and billing of DME. Successfully resolved without criminal liability.
- Represented therapy chain provider in dual criminal and civil investigation regarding alleged improper billing of therapy codes. Successfully resolved without criminal liability.
- Represented public hospital in DOJ civil investigation related to ambulance ALS and BLS billings. Successfully resolved.
- Represented behavioral health provider in civil investigation related to alleged case rate DRG upcoding to MCO in TennCare program. Successfully resolved..
- Represented numerous individual officers in DOJ joint civil and criminal investigations of related healthcare providers for alleged Stark, AKA, and FCA violations. No action taken against officers.