

# Christopher P. Kenny (Chris)

Partner  
Healthcare



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Chris Kenny is a partner in our Healthcare practice and specializes in providing strategic payment and compliance advice to hospitals, health systems, and other organizations participating in Medicare, Medicaid and commercial insurance plans. For the past five years, Chris has been recognized by *Chambers USA* as a leading healthcare lawyer and in 2020 was named a Top Attorney Under 40 by *Law 360*.

With in-depth knowledge of payment systems and regulations, Chris advises health systems in navigating the Medicare provider-based regulation, the 340B Drug Pricing Program, payment for uncompensated care and bad debt, reimbursement for organ acquisition and nursing and allied health education, and innovative payment models. He is also a trusted advisor to many healthcare providers as they navigate their response to the COVID-19 pandemic and their receipt of relief funds from the CARES Act and other legislation.

Applying his regulatory and reimbursement experience, Chris represents providers in False Claims Act investigations by the U.S. Department of Justice. He also represents hospitals in Medicare payment litigation and before Congress and the administrative branch.

He strives to provide creative, proactive advice in an ever-changing healthcare regulatory environment, and to vigorously defend his clients' positions in payment disputes and government investigations.

A member of the Healthcare Financial Management Association and the American Health Lawyers Association, Chris regularly speaks and writes on reimbursement and compliance issues. He is the co-editor of the *Reimbursement Advisor*, the leading national healthcare reimbursement publication, and serves as co-editor of our firm's award-winning *Health Headlines*, a weekly newsletter summarizing healthcare law and policy developments.

## Matters

Represented the Florida Hospital Association and 12 of its members in a precedent-setting challenge to CMS's exclusion of section 1115 waiver days from the Medicare DSH payment adjustment, resulting in a multi-million dollar victory. *See Bethesda Health v. Azar*, 980 F.3d 121 (D.C. Cir. 2020). Mr. Kenny is currently pursuing the same issue on behalf of dozens more hospitals in

Florida, Texas, California, Tennessee and elsewhere, with total amounts in controversy worth hundreds of millions of dollars.

Regularly provides day-to-day counseling to more than a dozen major health systems in the establishment and operation of large outpatient provider-based facilities and rural health clinics. Issues involved include the structuring of complex management agreements, joint ventures, 340B considerations, service line collaborations, and hospital-physician relationships.

Advises a coalition of more than 20 major health systems in compliance with federal and state price transparency rules.

Successfully represented a Medicaid managed care organization in multiple False Claims Act investigations by local U.S. Attorneys' Offices resulting in declinations.

Recovered millions of dollars in additional cost reimbursement for an organ procurement organization's clinical laboratory activities.

## Credentials

### EDUCATION

J.D., George Washington University  
B.S., Northwestern University

### ADMISSIONS

U.S. Court of Appeals for the D.C. Circuit  
U.S. District Court for the District of Columbia  
District of Columbia  
Maryland

### ASSOCIATIONS

American Health Lawyers Association  
Healthcare Financial Management Association

## Recognition

2020 Top Attorneys Under 40 - Healthcare

LAW360

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Ranked in Chambers USA for Healthcare 2017-2021

CHAMBERS USA

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Named a Rising Star in Healthcare

SUPER LAWYERS, 2018

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Named a Rising Star in Healthcare

SUPER LAWYERS, 2017

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## Insights

## NEWSLETTER

*September 20, 2021*

Health Headlines – September 20, 2021

*September 7, 2021*

Health Headlines – September 7, 2021

*August 30, 2021*

Health Headlines – August 30, 2021

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## Events

### SPEAKING ENGAGEMENT

*September 29, 2021*

Chris Kenny to Speak at Virginia-DC HFMA Fall Education Conference

### WEBINAR

*May 20, 2021*

Practical Steps to Prepare Your Hospital's Controlled Substances Diversion Program for Government Scrutiny

*April 29, 2021*

Protecting Your CARES Act Provider Relief Funds During Audit and Enforcement: The Time to Act Is Now

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## News

### IN THE NEWS

*January 27, 2021 • Source: Modern Healthcare*

Chris Kenny comments on the CMS denying reimbursement rate cut exemptions for hospitals' off-campus outpatient facilities

### RECOGNITION

*June 10, 2021*

Legal 500 United States 2021 Ranks King & Spalding Practices Among the Top in the Nation

*May 20, 2021*

Chambers USA 2021 Names 179 K&S Lawyers and 65 K&S Practice Groups as Leaders in Their Fields

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