



Clifford E. Barnes

Member of the Firm

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CLIFFORD E. BARNES is a Member of the Firm in the Health Care and Life Sciences practice in the firm's Washington, D.C., and New York offices and serves as Co-Chair of the firm's Health Plan Compliance Group. Mr. Barnes has been employed by the firm for over 35 years and represents providers, including hospitals, hospital systems, nursing homes, home health, hospice, ancillary service companies; managed care companies, concentrating in Medicare and Medicaid; and non-profit associations. Mr. Barnes is the Co-Founder of Medicaid Health Plans of America, Inc., and has served as Vice Chair of the Accountable Care Organization Task Force of the American Health Law Association (AHLA). In 2020, Mr. Barnes was elected a Fellow of AHLA, in recognition of his career-long achievements, contributions and tenure with AHLA, and continuing service and leadership in the legal profession. Mr. Barnes was also selected to the *Washington DC Super Lawyers* list in the area of Health Care (2016 to 2020) and recommended in *The Legal 500 United States* in the area of Healthcare: Health Insurers (2016, 2018). In 2019, he was named to Lawyers of Color's inaugural "Nation's Best" list.

Mr. Barnes:

- Counsels health care providers and payors on issues related to mergers, acquisitions, joint ventures, and various forms of contracting, including accountable care organization arrangements, international transactions, antitrust issues, fraud and abuse, and compliance programs
- Serves as general and special counsel for post-acute providers, including nursing home, home health, and long-term acute care facilities
- Serves as general and special counsel for managed care companies, including Medicare and Medicaid health plans

- Serves as general and special counsel for non-profit associations, including Medicaid Health Plans of America ("MHPA") and the National Medical Association, among others
- Counsels providers on forming clinically integrated networks
- Represents providers in JCAHO accreditation appeals
- Counsels clients on compliance program effectiveness
- Advises clients in the cannabis and medical marijuana industry on licensing laws, regulatory compliance, and corporate transactions
- Counsels clients on federal and state regulation, including insurance regulation and state health planning regulation

Prior to entering law school, Mr. Barnes worked as the Executive Assistant to the Deputy Commissioner of the New York City Health Department and as the Assistant Director for Project Review at the Health System Agency of New York City. Mr. Barnes has served on several boards and is currently a Board member of CareFirst Blue Cross Blue Shield, the National Association of Health Services Executives, and the MHPA, among others.

Mr. Barnes speaks regularly on current health care issues.

Mr. Barnes' publications and presentations related to health care law include:

- *Medicaid Work Requirements: Future Implications and Impacts*– National Bar Association 94th Annual Conference, Health Care Panel, July 24, 2019
- *Clinically Integrated Networks and Quality Metrics* – Community Care Network of Virginia, Inc., Managed Care Update Meeting, July 11, 2019
- *Managed Care Contracts: Medicare and Medicaid Considerations for Providers, Reimbursement and Delegation Challenges, Key Provisions and Anticipating Areas of Dispute*, March 20, 2019
- *Not for Profit Tax Exempt Policy* – National Association of Health Services Executives, Leadership Retreat, December 7-9, 2018
- *Race in America and Its Impact on Health Care Professionals, Systems, and Regulations*– National Association of Health Services Executives 33rd Annual Educational Conference: Creating a Healthy America Together: Serving Our Communities, October 12, 2018
- *Partnering the Right Way: Legal Considerations of Joint Venturing Under the Total Cost of Care Model*– Maryland National Capital Homecare Association - 2018 Annual Meeting, September 21, 2018
- *The Impact of Privacy & Data Security on Healthcare* – Health Leaders Forum, Congressional Black Caucus, September 12, 2018
- *Medicaid Managed Care: Compliance Under New Program Rules, Waiver Initiatives and Future Changes As Yet Unknown* – Strafford Webinars, August 1, 2018

- *The Structure of the Health Care Enterprise*, Cornell University – Legal Aspects of Health Care Administration Spring Course 2018, March 26, 2018
- *Post-Acute Preferred Provider Arrangements – Strategies for Partnership*, Webinar, November 28, 2017
- *Medicaid Cost Concerns: Per Capita Caps, Block Grants and Managed Care, Next Steps in Health Reform 2017* at American University College of the Law, Washington, DC, October 26-28, 2017
- *Post-Acute Market Options*, The HSC Pediatric Center, October 6, 2017
- *Board of Directors Responsibilities*, Total Health Care, August 11, 2017
- *What Now? The Role of Diverse Health Managers During the Trump Presidency*, National Association of Health Services Executives, New York Chapter; NY State Bar Association, Health Law Section; Brooklyn Law School, Center for Health Sciences and Public Policy, February 28, 2017
- *The Future of Health Care Reform*, The Health Law and Policy Students Association, American University Washington College of Law, Washington, DC, February 8, 2017
- *British Virgin Islands: Implementing National Health Insurance—Do's and Don'ts*, at the National Health Insurance Conference of the Ministry of Public Health, Social Development and Labor of St. Maarten, January 26, 2017
- *British Virgin Islands: The New National Health Insurance, Design, Performance and Implementation*, at the 11th Caribbean Conference on National Health Financing Initiatives, Bonaire, October 26, 2016
- *Corporate Integrity Agreement Training for SpecialCare Hospital Management Corporation*, August 29, 2016
- *Keynote: Federal Policy Is Shaping the U.S. Health Care System*, Cornell Sloan Students in Washington, DC, January 21, 2016
- *Importance of Post-Acute for Home Health and Nursing Homes*, VMT Long Term Care, November 11, 2015
- *Legal and Regulatory Issues Associated with Integrating Physical and Mental Health Information in Integrated Care Models (including ACOs) Context*, AHLA Behavioral Health Integration: Challenges and Opportunities in Population Health Management, ACOs and Beyond, September 24, 2015
- *Antitrust Considerations for New Health Care Delivery Systems*, 2015 Health Law Institute, Minnesota CLE Conference Center, June 5, 2015
- *Medicaid ACOs: Coming to a Neighborhood Near You*, American Health Lawyers Association Hospitals and Physicians Law Institute, February 2, 2015
- *Why Medicaid Managed Care Organizations Need An ACO Strategy*, Medicaid Health Plans of America Webinar Wednesdays, December 17, 2014
- *Fraud and Abuse Laws – The New World of Credible Allegations of Fraud*, National Bar Association Health Law Summit, July 29, 2014
- *Population Health Management and Compliance in the Era of Health Reform*, Orlando, FL – 2014 Blue National Summit, May 20, 2014
- *Confidentiality and Privacy Laws Governing Integration of Physical and Mental Health Information*, Washington, D.C. Behavioral Health – Physical Health Integration Summit, November 14, 2013

- *Population Health Management and Compliance in the Era of Health Reform*, Association for Community Affiliated Plans, September 24, 2013
- *Accountable Care Act Compliance Issues*, Association for Community Affiliated Plans, April 24, 2013
- *The Role of Compliance*, Association for Community Affiliated Plans, April 24, 2013
- *The Future of Health Care After the Supreme Court Decision on The Affordable Care Act*, National Bar Association Health Law Section Annual Meeting, July 17, 2012
- *Perspectives: Physician Alignment and Clinical Integration – Chronic Care Management – Louisiana Care Coalition Demonstration/Collaboratory Contracting Model*, Health Insights, April 19, 2012
- *State Medicaid Programs and Their Relationship to the Federal Rebate System*, Drug Pricing Boot Camp Conference, November 15, 2011
- *Overview of the New CMS ACO (MSSP) Final Regulation and Related Issuances*, Webinar, November 8, 2011
- *ACOs & Hospitals Trends in Physician Integration and Physician Alignments*, National Bar Association Annual Convention and Exhibits, August 3, 2011
- *Practice Management Session When and How to Solicit Proper Legal Assistance*, National Medical Association, July 27, 2011
- *Quality of Care, Medical Necessity and Fraud and Abuse Liability*, Health Care Compliance Associations' 15th Annual Compliance Institute, April 13, 2011
- *Managing and Mitigating Security Breaches Under HIPAA and State Breach Reporting Requirements*, Medicaid Health Plans of America, Inc., October 13, 2010
- *Understanding Government Enforcement Efforts and How Those Efforts Impact Compliance Program*, The World Congress 6th Annual Leadership Summit on Medicare, July 20, 2010
- *The Current Health System and President Obama's Health Reform Act, How It Impacts Employers*, National Association of Black-Owned Broadcasters 34th Annual Conference, May 17, 2010
- *Expansion of Program Integrity and Fraud & Abuse Under Health Reform*, National Bar Association Healthcare Law Summit, May 6, 2010
- *Health Reform's New Medicare Compliance Rules*, Practising Law Institutes Health Care 2010: Managing Risks in the New Compliance and Enforcement Environment, April 26, 2010
- *Interrelationship Among the Compliance Officer, Legal Counsel and Board of Directors*, HCCA's Managed Care Compliance Conference, February 22, 2010
- *Compliance Review 2009*, Medicaid Health Plans of America, November 17, 2009
- *The Interrelationship Among the Compliance Officer, Legal Counsel and Board of Directors*, Blue Cross Blue Shield Association, September 23, 2009
- *HIPAA Privacy and Security: The Next Nine Months*, Medicaid Health Plans of America, Webinar, September 23, 2009
- *Creating and Managing Effective Compliance Programs*, Compliance, Ethics, HIPAA and Privacy/Security Conference, Blue Cross and Blue Shield Association, June 25, 2009

- *The New Medicaid Managed Care Compliance Landscape*, Medicaid Managed Care Congress, June 8, 2009
- *Current Trends in False Claims Act Enforcement Require More Robust Compliance Programs for Medicaid Providers and Payors*, Health Lawyers News, May 2009
- *The Current Health System and the Obama Plan – What's In and What's Out*, National Bar Association's Health Care Law Summit, May 8, 2009
- *Health Care Reform - The Obama Administration Proposal*, Blue Cross Blue Shield Association, February 18, 2009
- *Ground-up Health Reform Initiatives – DC Alliance*, Second National Congress on the Un and Under Insured, September 23, 2008
- *Legal Issues in Organizing a Local Initiative*, Second National Congress on the Un and Under Insured, September 22, 2008
- *Becoming Market Focused and Market Driven*, VHA Pennsylvania, April 2008
- *Corporate Responsibility – What the Board of Directors Need to Know*, National Medical Association, April 2008
- *Medicaid Managed Care*, Cornell University Health Policy Symposium, January 18, 2008
- *Transaction Legal Considerations*, PricewaterhouseCoopers 2007 Healthcare Corporate Development Roundtable, October 18, 2007
- *Telemedicine*, Magellan Legal/Compliance Forum 2005, November 8, 2005
- *A Review of Certain Issues in the Forest Park/St. Alexius Hospitals Organization*, presented to St. Louis area Health Lawyers Association, March 5, 2005
- *Anatomy of Specialty Hospital Transaction*, American Bar Association and The Center for Continuing Legal Education, Teleconference and Live Audio Webcast, June 5, 2003
- *Another Squeeze – States Contemplate Pharmacy Carveouts for Medicaid Managed Care*, Spring 2003 Edition of the National Association of Urban Based HMOs Newsletter
- *Internists' Guide to Practice Integration*, *American Society of Internal Medicine*, co-authored with J.D. Gammell and Mark E. Lutes, 1996

Education

- University of Virginia (J.D., 1981)
 - Editorial Board, *Journal of Natural Resources Law*
- Cornell University (M.B.A., 1974)
 - Hospital Administration
- Pace University (B.B.A., 1972)

Bar Admissions

- District of Columbia
- Maryland
- New York

Practice Areas

- Affirmative Action/OFCCP Compliance
- Behavioral Health
- Compliance Counseling and Defense
- Health Insurance Exchanges
- Managed Care
- Mergers, Acquisitions & Divestitures
- Privacy, Cybersecurity, and Data Asset Management
- Value-Based Purchasing and Accountable Care

Industries

- Health Care and Life Sciences Industry
- Health Plans and Other Insurers
- Home Health, Hospice & Community-Based Providers
- Hospitals and Health Systems
- Cannabis Law

Memberships

- American Bar Association
- American Health Law Association: Fellow; Vice Chair, Accountable Care Organization Task Force (former)
- American Society of Association Executives
- District of Columbia Bar Association
- National Bar Association
- Sigma Pi Phi Fraternity Epsilon Boule'