



Kathryn E. Doi

Partner

Kathryn represents healthcare providers, primarily in disputes with the California Department of Health Care Services or private commercial payors relating to reimbursement for healthcare services. Her approach emphasizes identifying client objectives and implementing the most cost-effective strategy to best achieve those goals.

With more than 20 years of experience as a litigator, coupled with extensive knowledge of the healthcare industry and its governing statutes, regulations, and agencies, Kathryn brings a wide range of experience and problem-solving skills to address her clients' needs. Kathryn works successfully with clients to identify and employ a winning strategy to resolve disputes and optimize outcomes, whether that involves arranging meetings with state agencies or payors, drafting position papers, negotiating contracts or settlements, or arbitrating or litigating disputes.

Kathryn represents exclusively healthcare providers and affiliated organizations, including trade associations, health systems, hospitals, community health clinics, Federally-qualified health centers, rural health clinics, ambulatory surgery centers, residential care facilities for the elderly, skilled nursing facilities, physician groups, physicians, and air ambulance companies.

Kathryn has served in the highest ranks of state government for the State of California. In September 2013, Governor Jerry Brown appointed Kathryn as a public member of the California New Motor Vehicle Board and reappointed her in March 2017. She is the designated attorney appointment, and was elected to serve as President of the Board for calendar year 2019, after serving as Vice President in 2017 and 2018. Prior to her government service, Kathryn worked in private practice and clerked for a federal judge.

Representative Work

When the California Department of Health Care Services ("DHCS") stopped reimbursing Medi-Cal providers for adult dental, podiatry, and chiropractic services, Kathryn was the lead attorney in successful federal court litigation to challenge the elimination of these benefits when provided by rural health clinics and Federally qualified health centers. (California Association of Rural Health Clinics v. Douglas (9th Cir. 2013) 738 F.3d 1007.) In connection with this lawsuit, Kathryn and her co-counsel brought a petition for a writ of mandate to successfully compel production of the DHCS documents in response to a request under the

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California Public Records Act. In October 2013, Kathryn and her co-counsel received the "Hero Award" from the California Primary Care Association for these efforts.

When workers compensation insurers reduced their payments to air ambulance companies based on the California Official Medical Fee Schedule, Kathryn represented an air ambulance company in a federal court challenge to the imposition of the fee schedule on air ambulance companies on the grounds the preemption provision of the federal Airline Deregulation Act prevents the State from regulating the prices of air ambulances under the Supremacy Clause. (*California Shock Trauma Air Rescue v. State Compensation Ins. Fund* (9th Cir. 2011) 636 F.3d 538.) When the Ninth Circuit concluded that it lacked the authority to hear the dispute, Kathryn represented the air ambulance company in rulemaking proceedings that resulted in an exemption for air ambulance companies from the fee schedule. (See Cal. Code of Regs., tit. 8, § 9789.70(c).) Kathryn and her team have since brought hundreds of lien claims before the Workers' Compensation Appeals Board, which has resulted in the additional payment of millions of dollars for her air ambulance clients.

Kathryn has also successfully represented hospitals in disputes with commercial health plans over the proper interpretation of provisions of the parties' managed care contracts. Some of these disputes have resulted in settlements, others have been resolved through arbitration proceedings.

Kathryn has also successfully represented individual community health clinics and other providers in a variety of disputes with DHCS over reimbursement or provider enrollment issues. Resolution of these disputes has been achieved through meetings with the department, correspondence with the department, or administrative proceedings.

Kathryn also represents medical groups in negotiations with hospitals for professional services agreements and advises providers on 340B, right to fair procedure, medical records disclosure, HIPAA, Stark, corporate practice of medicine, and other healthcare laws.

Publications

"Fourth Circuit Decides Closely Watched False Claims Act Case, *Michaels v. Agape Senior Community*, But Declines to Rule on Validity of Statistical Sampling," *AHLA Member Alert* (March 2017)

"The Threat of Class Action Lawsuits," *California Health Law News* (CHLN) (March 2012)

"Supreme Court Hears Challenge to California 10% Medicaid Cuts," *The Edge*, HFMA Northern California Chapter (November 2011)

"The Drumbeat Continues to Grow for Additional Scrutiny of Nursing Home Hiring Practices," *The Edge*, HFMA Northern California Chapter (September 2011)

"The Comment Period is Running on the Proposed HITECH Disclosure Rule," *The Edge*, HFMA Northern California Chapter (June 2011)

"CDPH Fines for Medical Information Breaches Lack Due Process in the Absence of Regulations," co-author, *The Edge*, HFMA Northern California Chapter (May 2011)

"CDPH Set to Launch Rulemaking on Administrative Penalties for Medical Information Breaches and Immediate Jeopardy and Adverse Events," *The Edge*, HFMA Northern California Chapter (January 2011)

"Beyond the Medi-Cal Payment Lawsuits: The Supremacy Clause Opens the Door to Provider Challenges to State Laws that Conflict with Federal Laws," co-author, *The Edge*, HFMA Northern California Chapter (March 2010)

Presentations

"The 40-hour Intermittent Clinic Opportunity: Is An Intermittent Clinic the Right Move For Your Health Center Site?," co-presenter, California Primary Care Association's Annual CFO Conference (May 2019)

"Medi-Cal PPS Change in Scope: New Issues and Challenges," California Primary Care Association (August 2018)

"The ABCs of FQHCs and RHCs," California Society For Healthcare Attorneys (April 2018)

"Medi-Cal Audit Appeals: Tales from the Front," Healthcare Financial Management Association Northern California (HFMA) (March 2018)

"Navigating Career Transitions," Asian/Pacific Bar Association of Sacramento Attorney Mentorship Luncheon (November 2017)

"Medi-Cal PPS Rate Setting, Scope Change Requests, and Reconciliations: Strategies to Successfully Navigate the Audit and Appeal," co-speaker, CPCA 2016 Chief Financial Officers Conference (May 2016)

UC Davis APALSA Annual Banquet, keynote speaker (April 2016)

Honors & Awards

Top Lawyer, Sacramento Magazine (2019)

Northern California Super Lawyers, Health Care (2011-2018)

California Primary Care Association Hero Award (2013)

Martindale-Hubbell AV® Peer Review™ Rating

Northern California Super Lawyers, Administrative Law (2004)

Bar Association of San Francisco Outstanding Pro Bono Lawyer (1989)

Community Involvement

Friends Committee for My Sister's House, a battered women's shelter in Sacramento, Chair and Member

Asian Women's Shelter in San Francisco, President (circa 1998)

My Sister's House, President, Board of Directors (2001 - 2002)

U.C. Davis School of Law Alumni Association, President (2002 - 2004)

U.C. Davis School of Law Alumni Association, Board Member (1999 - 2004)

Asian Women's Shelter in San Francisco, Member, Board of Directors (1996 - 2000)

Professional Affiliations

Asian/Pacific Bar Association of Sacramento Law Foundation, Board Member

State Bar of California, Member

American Health Lawyers Association, Member

California Society for Healthcare Attorneys, Member

New Motor Vehicle Board, President (2019) Vice President (2017-2018)

Northern California Pharmacy Education Foundation, Board Member (2011-2013)

Anthony M. Kennedy Inn of Court, Barrister Member (2008-2011)

Asian-Pacific Bar Association of Sacramento, President, Board of Directors (2009)

National Asian Pacific American Bar Association, Regional Governor (2007)

Education

J.D., *Order of the Coif honors*, University of California, Davis School of Law (1985)

B.A., Stanford University (1981)

Admissions and Courts

California

Supreme Court of the United States

U.S. Court of Appeals for the Ninth Circuit

U.S. Court of Appeals for the Tenth Circuit

U.S. District Court for the Northern District of California

U.S. District Court for the Eastern District of California

U.S. District Court for the Central District of California

U.S. District of International Trade