

Janice H. Ziegler

Partner



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Overview

Janice Ziegler is a partner in Dentons' Life Sciences and Health Care sector team. She focuses on providing strategic, regulatory, transactional and legislative counseling to clients regarding the Medicare Secondary Payer (MSP) laws, government managed care programs, and federal and state health care privacy matters. With over 25 years of litigation and health care experience, Janice advises a broad range of health care businesses, including insurers and health plans, hospitals and health systems, physicians and physician practices, and pharmacies and pharmacy benefit managers.

Janice is a widely recognized MSP authority. She has advised insurers, providers, employers and industry associations in all manner of MSP and coordination of benefits representations, including defending companies involved in False Claims Act litigation and regulatory enforcement matters, negotiating MSP reimbursement agreements with CMS, conducting comprehensive MSP compliance and operational reviews, providing legislative counseling, litigating challenges to MSP regulations, and performing MSP-related training. Janice also advises clients on Section 111 mandatory reporting and strategies for minimizing MSP legal exposure.

Janice counsels clients extensively regarding the Medicare Advantage and Medicare Part D programs, as well as other government managed care programs, including Medicaid managed care and the Medicare/Medicaid duals demonstration programs. In addition to providing day-to-day regulatory advice, and assisting clients with transactional matters and contract applications, Janice has worked collaboratively with clients in developing effective Medicare Advantage, Part D and corporate compliance and fraud, waste and abuse programs. She also counsels clients in connection with CMS contract and enforcement activities, including responding to CMS requests for corrective action plans, imposition of intermediate sanctions and/or civil monetary penalties, and with appeals of denials.

Janice's health care privacy experience includes counseling clients on state and federal privacy laws, including compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and breach notification.

Before beginning private practice, Janice clerked for the Honorable John H. Pratt, United States District Court for the District of Columbia. Janice is a former Chair of the American Health Law Association's Payers, Plans & Managed Care Practice Group, and was recently appointed to AHLA's Annual Meeting Planning Committee.

Recognition

- Named a 2019 *Acritas Star* – independently rated lawyer
- Ranked, *Chambers USA: America's Leading Lawyers for Business*, Healthcare, District of Columbia, 2015–2021
- Recommended, *The Legal 500* for Healthcare: Health Insurers, 2014–2016
- Expert Guides to the Leading Lawyers (US Healthcare Category), 2014 (last year ranked)

Insights

- Co-author, "Understanding the Impact of the D.C. Circuit's Decision on the Medicare Advantage Overpayment Rule," *American Health Law Association Briefing*, October 14, 2021.
- Co-author, "CMS issues guidance on obligations and flexibility under Medicare Advantage and Part D programs arising from COVID-19 pandemic" Dentons client alert, March 13, 2020
- Co-author, "CMS proposes penalties for MSP reporting violations," Dentons client alert, February 18, 2020
- Co-author, "CMS Publishes RADV Medical Reviewer Guidance," Dentons client alert, October 18, 2017
- Co-author, "Proposed Rule Creates Challenges for Managed Long-Term Services and Supports," *BNA's Health Care Policy Report*, August 31, 2015
- Co-author, "Medicaid Managed Care Proposed Rule Expands Program Integrity Obligations," *BNA's Health Care Policy Report*, August 17, 2015
- Co-author, "Medicaid managed care proposed rule seeks to align Medicaid with Medicare Advantage and Qualified Health Plans," Dentons client alert, August 3, 2015
- Co-author, "Medicaid Managed Care Proposed Rule Expands Federal Role in Rate Setting at Both the Managed Care Organization and Provider Level," *BNA's Health Care Policy Report*, August 3, 2015
- Co-author, "Top 10 Changes for Medicaid Managed Care," *BNA's Health Care Policy Report*, July 27, 2015
- "When Does a Sponsor's 'Promise to Pay' in the Clinical Trial Setting Trigger Medicare Secondary Payer Liability?," *BNA Medical Research Law and Policy Report*, Vol. 6, No. 20, October 17, 2007
- "The Medicare Secondary Payer Statute: A New Spear in the Government's Fraud and Abuse Arsenal?," *Blue Cross Blue Shield Association, Legal Affairs Bulletin*, No. 943, August 2004

Activities and Affiliations

Presentations

- "Medicare Advantage and Part D Audits: Key Steps for 2017 and 2018," AHLA Webinar, October 18, 2017
- "Compliance and Audit Issues and Trends for Medicare Advantage and Part D Plans," Health Plan Alliance webinar, June 24, 2016
- "Compliance and Audit Issues and Trends for Medicare Advantage and Part D Plans," Dentons and TriZetto/Cognizant Health Plan Leadership Conference, April 5, 2016
- "Medicare Secondary Payer Developments: Keeping up with a Changing Landscape," American Health Lawyers Association, January 22, 2015

- "CMS's Sweeping New Medicare Advantage and Part D Rule: Implications for Plans, PBMs and Pharma," Atlantic Information Services, Inc., Webinar, March 6, 2014
- "What You Really Need to Know About the Medicare Secondary Payer Laws," Association of California Insurance Companies (ACIC), Las Vegas, NV, July 24, 2013
- "Medicare Secondary Payer Coordination of Benefits Issues," National Other Party Liability Group (NOPLG) Conference, San Antonio, TX, May 2, 2012
- "Insurer Obligations and Liabilities Under Medicare Secondary Payer Laws," Heartland Insurance Symposium, June 8, 2011
- "Medicare Secondary Payer Basics and Section 111 Compliance," Asociación de Compañías de Seguros de Puerto Rico Symposium, May 20, 2011
- "MSP Mandatory Reporting: Implications in the Clinical Trial Context," American Health Lawyers Association, Legal & Compliance Issues in Biomedical Innovations Program Conference, January 26, 2011
- "If You Settle, You May Have to Report...: Mandatory Reporting Under the MMSEA," American Bar Association, Conference on Current Issues in Pharmaceutical and Medical Device Litigation, November 11, 2010
- "A Guide to the CMS Medicare Secondary Payer Clinical Trial Billing Alert," Compliance 360^o Teleconference, October 27, 2010
- "Understanding the May 26, 2010, CMS Medicare Secondary Payer Clinical Trial Alert," Health Care Compliance Association Teleconference, July 27, 2010
- "Medicare Secondary Payer Issues and Developments," AHLA Institute on Medicare and Medicaid Payment Issues Conference, March 25, 2010
- "Medicare Risk Adjusters: A New Frontier and Potential Legal Issues for Plans and Providers — Legal Challenges Posed by Medicare Risk Adjusters," AHLA Payors, Plans and Managed Care Practice Group and Part D Task Force Teleconference, June 16, 2009
- "Advanced MSP Roundtable — Navigating the MSP Maze: Understanding the New Legal Landscape and Working with the COBC and the MSPRC," Blue Cross Blue Shield Association Lawyer's Conference, May 7, 2009
- "Medicare Secondary Payer Issues and Developments," AHLA Institute on Medicare and Medicaid Payment Issues Conference, March 25, 2009
- "Avoiding Non-Compliance and Regulatory Issues Involving Risk Adjustment," Medicare Health Care Compliance Association Management Conference, November 10, 2008
- "Medicare Secondary Payer Issues and Developments," AHLA Institute on Medicare and Medicaid Payment Issues Conference, April 9, 2008
- "Tips for Conducting Internal Investigations," Health Care Compliance Association Medicare Part D Compliance Conference, December 10, 2007
- "Implications of the Medicare Advantage Program for Hospitals," Tennessee Hospital Association Seminar, April 18, 2006
- "Recent Medicare Secondary Payer Enforcement Initiatives," Blue Cross Blue Shield Association Compliance and Ethics Conference, March 15, 2006
- "Understanding the Medicare Advantage Program: Implications for Hospitals," Metropolitan Chicago Healthcare Council Seminar, January 23, 2006
- "Pharmacy Promotional Activities Relating to Medicare Part D: Beyond the Marketing Guidelines," NACDS

Foundation Update on Medicare Parts B and D Conference, October 26, 2005

- "Medicare Advantage," American Hospital Association Teleconference Series (4-Part Series), Fall 2005
- "Payer Tag — Playground Rules for Coordinating with Medicare," Blue Cross Blue Shield Association Lawyers' Conference, May 8, 2003
- "Medicare Secondary Payer Issues: Who's on First?" National Other Party Liability Group (NOPLG) Conference, April 23, 2003
- "Medicare Secondary Payer Data Match Initiative: Something Old and Something New," BCBSA Lawyers Conference, May 2002
- "Jumping Through Two Hoops: HIPAA and State Law Compliance," BCBSA Lawyers Conference, May 2002
- "The HIPAA Privacy Rule and State Law Compliance Issues," BCBSA – HIPAA Summit, July 30, 2002

Memberships

- Member, American Health Lawyers Association
- Member, American Bar Association, Health Law Section
- Member, District of Columbia Bar Association, Health Law Section

Areas of focus

Practices

- Compliance and Risk Management
- Health Care Regulation
- Public Policy and Regulation

Industry sectors

- Government
- Health Care
- Insurance
- Life Sciences and Health Care
- Regulatory Counseling

Education

- Harvard Law School, 1987, JD, *magna cum laude*
- Cornell University School of Industrial and Labor Relations, 1984, BA, with honors

Admissions and qualifications

- District of Columbia

- Massachusetts
- US Court of Appeals for the District of Columbia Circuit
- US Court of Appeals for the Federal Circuit
- US Court of Appeals for the Sixth Circuit