

# HEALTH LAW SECTION



## Steering Committee:

W. Shaun Pharr, Cochair  
Lane Porter, Cochair  
Thomas S. Crane  
Isabel P. Dunst  
Brent Henry  
Wendy L. Krasner  
Leonard S. Rubenstein

## Committee:

Programs

## The District of Columbia Bar

Christopher B. Cohen, Esq.  
Holleb & Coff  
55 East Monroe Street  
Suite 4100  
Chicago, Illinois 60603-5896

Dear Mr. Cohen:

The Steering Committee of the District of Columbia Bar's Section on Health Law has reviewed the three resolutions which you submitted for consideration and possible endorsement by the Section. The resolutions pertain to recommendations that the U.S. Department of Health and Human Services ("DHHS") adopt certain policies, rules, and procedures regarding the Medicare and Medicaid programs.

Identical resolutions were submitted by the Illinois State Bar Association to the House of Delegates of the American Bar Association (ABA), which considered them earlier this year. The resolutions submitted to the Section on Health Law were copies of those submitted to the ABA House of Delegates, and were numbered as Resolutions 8B, 8C, and 8D.

The Steering Committee of the Section on Health Law, after considering each resolution on its merits, took the following actions:

Resolution 8B. The Section endorsed this resolution, which requests that the U.S. Department of Health and Human Services implement the Freedom of Information Act by providing public access to texts of certain administrative appeals decisions regarding Medicare and Medicaid, and to lists of these cases.

Resolution 8C. The Section endorsed this resolution, which requests that the U.S. Department of Health and Human Services establish more comprehensive rules of procedure for certain adversarial administrative proceedings, and that it publish in the Federal Register all interpretive guidelines which are used in the performance of its enforcement functions.

Resolution 8D. The Section did not endorse this resolution, which requests that the U.S. Department of Health and Human Services issue rules granting "deemed status," for purposes of federal certification to receive Medicare and/or Medicaid

*Insert disclaimer*

funding, to nursing homes accredited by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO).

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~~Please be advised that the actions described herein represent only those of the Section on Health Law of the District of Columbia Bar and not those of the D.C. Bar or of its Board of Governors.~~

Sincerely,

W. Shaun Pharr  
Co-Chair

*to be placed on 1<sup>st</sup> page,  
as footnote, ~~source~~*

All members of the Section Steering Committee participated in the deliberations described above except Thomas S. Crane, Esq. Mr. Crane absented himself from both the discussion and vote on the resolutions because he is employed by the U.S. Department of Health and Human Services.