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Proskauer Profiles in Health Care: Vinay Kohli

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A seasoned trial lawyer, Vinay frequently serves as lead counsel in commercial litigation matters for health care clients including hospital systems, physicians, and post-acute care facilities, as well as health care technology and revenue cycle management companies. His experience includes managed care disputes, health care fraud and abuse litigation.

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1. What, or who, is it that inspired you to pursue a career in law?

To put it simply, I enjoy helping others solve problems.

2. You specialize in health care litigation. Tell us about your practice and why you chose that area.

I think that health care litigation chose me, not the other way around.

Approximately seven years into my career, while at a litigation boutique, I realized I wanted to specialize. Although I wanted to specialize, I didn't necessarily want to give up the variety of a more general practice. So I resolved to commit myself to an area that was both heavily regulated and in a constant state of change. Health care fit the bill perfectly.

Within the industry, I was initially headed down the path of a general health care attorney albeit with a heavy focus on regulatory and transactional issues. However, clients would often ask me to advise on matters that required someone fluent in health care and litigation— for example, managed care matters, regulatory-compliance-related class actions, and health care fraud and abuse cases, just to name a few. As I gained more experience in these areas, I naturally became more of a specialist in health care litigation and built my practice.

3. What are some of the biggest litigation risks facing organizations across health care?

The frenetic pace with which the health care landscape changes, both at the state and federal level, combined with different approaches states take to regulation, is a recipe for litigation risk. What's more, many disputes between private litigants, which have historically been resolved in a civil forum, have started to feature more government activity. If the government sides with your client or opens an investigation into your opponent, you gain significant leverage in your case.

We have also seen an uptick in litigation risk with recent federal funding and the use and misuse of patient health information. I always caution providers who have accepted CARES Act funding or telehealth reimbursement to be aware of and adhere to ever-changing government guidance, as that poses the greatest area of risk.

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4. Are there any recent federal or state changes that you think will increase litigation in the industry (*ex:* will the No Surprises Act increase litigation)?

Although the No Surprises Act was designed to decrease reimbursement litigation between health care providers and health plans, I think we will see a short term surge in litigation over alleged non-compliance. I also expect that as states change their corporate practice of medicine rules, we'll see additional litigation spin off in those areas that allege fraudulent behavior relating to non-compliant structures.

5. You lateraled to Proskauer in April 2022. What has been unique about working at Proskauer compared to other firms?

The enthusiasm for helping each other succeed. I showed up at the Firm with a skilled nursing case, headed to trial and with no trial team. In less than a week, the Firm helped me field a team of six other attorneys, all of whom jumped into the matter head first. While that trial was underway, I also had a major spike in activity in a series of trade secret cases in three different states, and litigation partners from New York stepped up to handle it in my absence. And, I have to give significant credit to the leadership in the health care team as well. They have made me feel as if I've worked with them my entire life, even though it's only been a few months.

Related Professionals

- **Vinay Kohli**
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