

Ken Choe

Partner

Washington, D.C.

Biography

Ken Choe is uniquely situated to help our clients navigate the transformation of the health care regulatory landscape by the Affordable Care Act (ACA). Ken was Deputy General Counsel and Counselor to the Office of Health Reform at the Department of Health and Human Services (HHS), where he was lead agency counsel with respect to the ACA, as well as Medicare, Medicaid, and other health care financing programs administered by the Centers for Medicare & Medicaid Services (CMS). His knowledge and experience enable him to devise practical solutions and strategies for our clients.

Ken has singular knowledge of the legal considerations occasioned by the ACA, including the market rules that govern health insurance issuers and group health plans, the regulatory framework under which qualified health plans are offered on health insurance exchanges, the Medicaid eligibility expansion, and the Medicare Advantage reforms. In addition, he has considerable proficiency in Medicare coverage and reimbursement policies, as well as innovative payment and service delivery models, including accountable care organizations (ACOs).

Ken also has ample litigation experience, particularly in areas of administrative and constitutional law. He has appeared in state and federal trial and appellate courts across the country, and has participated in numerous matters before the Supreme Court.

Ken began his legal career as Special Assistant to the



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Languages

English

Practices

Administrative and Public Law

Government Relations and Public Affairs

Health

Insurance

Litigation Services

Industries

Insurance

Life Sciences and Health Care

General Counsel at HHS. Between his periods of government service, he was a senior litigator and public policy advocate at the national headquarters of the American Civil Liberties Union.

Representative experience

Core member of government legal team in *National Federation of Independent Business v. Sebelius* and other challenges to Affordable Care Act.*

Lead agency counsel for implementation of Affordable Care Act, including provisions governing health insurance coverage and Medicare Advantage plans.*

Lead agency counsel for Medicare payment rules and guidance, Medicare Shared Savings Program, and Center for Medicare & Medicaid Innovation.*

*Matter handled prior to joining Hogan Lovells.

Awards and rankings

- General Counsel's Certificate of Appreciation, 2010
- Secretary's Certificate of Appreciation, 2010
- Secretary's Commendation, 2010
- Selected as a member of the Lawdragon Leading Lawyers in America for, 2014-2016
- Healthcare: Advice to Health Insurers, Recommended, *Legal 500 US*, 2020

Latest thinking and events

- News
 - D.C. District Court rules for PhRMA in PBM accumulator programs Final Rule litigation
- News
 - MDRP: CMS issues Manufacturer Release on multiple best prices reporting option for VBPs
- News
 - MDRP multiple best prices option and territory exclusion update plus Part B discarded drug refund
- News
 - U.S. House passes drug pricing legislation

Areas of focus

Administrative Procedure Act
Hospitals and Health Care Providers
Medical Devices
Pharmaceuticals and Biotechnology
Legislation
Insurance Products and Services
Cell, Tissue, and Gene Therapies

Education and admissions

Education

J.D., The George Washington University National Law Center, 1995

B.A., University of Virginia, 1992

Memberships

Member, American Bar Association, 2015

Member, American Health Lawyers Association, 2015

Member, Human Rights Watch LGBT Rights Program Advisory Committee, 2006-2009

Bar admissions and qualifications

District of Columbia

Court admissions

U.S. Court of Appeals, Eleventh Circuit

U.S. Court of Appeals, Sixth Circuit

- News
 - MDRP and 340B: Updates from last week
- News
 - Ramping up the drug pricing debate: Dueling bills and paying for health care infrastructure