



Robert C. Bohner

Partner
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Robert Bohner represents managed care entities, including health care service plans and health care insurers, health maintenance organizations (HMOs), independent practice associations (IPAs), management service organizations (MSOs), medical provider networks, physician practice management (PPM) companies, and integrated business networks, in complex business litigation. He regularly implements cost-effective strategies aligned with his clients' goals and objectives.

Robert is particularly experienced in handling matters—in state and federal courts throughout California—involving managed care, ERISA, FEHBA, hospital-physician risk pools, fair procedure issues in hiring and terminating medical providers, utilization review, reimbursement, bad faith, physician billing practices, and claims brought against medical groups and HMO plans for alleged negligent medical care, general risk management issues, unfair business practices suits, Medicare, Medicaid, Medi-Cal and compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

He has substantial experience representing health plans and insurers in payor/provider disputes in California and around the country involving out-of-network providers seeking to recover their customary emergency and non-emergency services under HMO, PPO, and POS plans. He regularly defends claims arising under statutes, regulations, and complicated case law.

Robert has authored a chapter on common managed care disputes in *Managed Care Litigation* published by the ABA Health Law Section, Bloomberg Law in 2015 through 2020.

Robert also represents clients in complex business litigation involving bankruptcy matters, bad faith insurance, insurance coverage issues, breach of contract, breach of fiduciary duty, shareholder disputes, fraud, unfair competition, trade secret misappropriation, and labor issues concerning wrongful termination of employment.

Representative Matters

- Successfully represented a workers' compensation third-party administrator in federal and state court actions contending that it had mismanaged and failed to adequately adjust pay on reserve workers' compensation claims.

Practices

Commercial Litigation
Life, Health, Disability & ERISA
Litigation

Education

J.D., Indiana University Maurer
School of Law, 1982

B.A., *with distinction*, Purdue
University, 1979

Admissions

California

U.S. Court of Appeals for the
Ninth Circuit

U.S. District Court for the
Central, Eastern, Northern, and
Southern Districts of California

U.S. District Court for the
Northern and Southern
Districts of Indiana



- Defense judgment for a behavioral health services provider in an ERISA trial in federal court. Successfully defended the judgment on appeal before the U.S. Court of Appeals for the Ninth Circuit. In its decision, *Dupree v. Holman Professional Counseling* (2009) 572 F.3d 1094, the appellate court found the behavioral health plan did not cover non-emergent treatment at a non-contracted provider.
- Trial verdicts in favor of claims administrators and ERISA healthcare plans in two separate eating disorder cases tried in federal court in the Eastern District and Central District of California: *Lukas v. United Behavioral Health*, 2011 U.S. Dist. LEXIS 41368 (E.D. Cal., April 15, 2011) and *Pacific Shores Hospital v. United Behavioral Health*, 2011 U.S. Dist. LEXIS 146866 (C.D. Cal., December 19, 2011).
- Representation of health care insurers in lawsuits and arbitration proceedings over payment and other contractual disputes with health care providers.

Presentations

- Practical Tips and Observations Regarding Behavioral Health Claims, Hartford, Connecticut, October 2012

Publications

- Co-Author, Cumulative Supplements, "Common Managed Care Disputes," Chapter 2, *Managed Care Litigation*, Second Edition, ABA Health Law Section, 2015 – 2020
- Co-Author, "Survey of State Fair Procedure Rights Triggered by Excluding Providers from Health Care Networks," *American Health Lawyers Association's Payers, Plans and Managed Care Practice Group Member Briefing*, November 2013

Personal

In his spare time, Robert enjoys sailing, reading, sports, and outdoor activities.

Community/Civic Activities

- City of Manhattan Beach, California, 2005 – 2008
 - Planning Commission, Chairman, 2007 – 2008
 - Parks and Recreation Commission, 2003 – 2005