Is this the End of Agency Deference? The New Landscape of Administrative Law and the Impact on Healthcare Providers

Seminar or Event

10.09.24

Event Sponsor: *New Jersey Chapter - Healthcare Financial Management Association*

Hard Rock Hotel & Casino

2:00pm - 2:50pm

James A. Robertson and **Paul L. Croce** will present the program "Is this the End of Agency Deference? The New Landscape of Administrative Law and the Impact on Healthcare Providers" at the New Jersey & Metro Philadelphia HFMA 48th Anniversary Annual Institute. The educational breakout session is scheduled for Thursday, October 10, 2024, from 2:00pm - 2:50pm at the Hard Rock Hotel & Casino in Atlantic City, the location of this year's Institute.

On June 28, 2024, the Supreme Court of the United States issued its decision in two cases, overruling its 1984 landmark decision in *Chevron U.S.A. v. Natural Resources Defense Council*. For the past forty years, what is commonly referred to as the "Chevron doctrine" or "Chevron deference" had required courts to defer to a regulatory agency's interpretation of the statutes it administers if those interpretations were "permissible." The Supreme Court's ruling on "Chevron deference" marks a radical shift in the judiciary's role in approving regulations. As healthcare is one of the most widely regulated industries in the country, this ruling significantly impacts healthcare providers' ability to challenge administrative regulations with which they disagree.

This seminar will focus on the history and application of Chevron, the new standards set through the Supreme Court's decision, the factual and legal basis for that ruling, the legal landscape moving forward, the types of agency decisions healthcare providers should be looking to challenge in the future, and the process for doing so.

Mr. Robertson is a partner in the firm's Healthcare Department, which he chairs. His healthcare practice is reflective of his significant expertise across a wide range of legal disciplines, enabling him to effectively counsel clients on a myriad of healthcare regulatory, corporate and litigation matters. He represents a diverse array of

healthcare industry clients including for-profit and not-for-profit healthcare and hospital systems, academic medical centers, nursing homes, home health agencies, medical device manufacturers, pharmaceutical companies, integrated delivery networks, physicians and physician practice groups, and healthcare private equity funds.

Mr. Croce is Counsel in the Healthcare Department. His work includes representing clients in hospital reimbursement matters before the Department of Health and the Division of Medical Assistance and Health Services. He provides counsel on issues related to contracting, civil litigation and professional licensing matters, and represents a variety of healthcare industry clients including physicians, dentists, hospitals and for-profit and non-profit healthcare systems.

Additional information about this year's Institute, including registration, is available online.

Related Attorneys

James A. Robertson

Partner
973.577.1784
Email

Paul L. Croce

Counsel
973.577.1806
Email