

Robert C. Bohner

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He/Him

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About Robert

Robert 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. His practice focuses on matters in state and federal courts throughout California and nationwide, including 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, Medicare, Medicaid, Medi-Cal, and HIPAA compliance.

He also defends health plans and insurers in payor/provider disputes involving out-of-network providers seeking recovery for emergency and non-emergency services under HMO, PPO, and POS plans. He regularly handles claims arising under statutes, regulations, and complex case law.

In addition, Robert represents clients in business litigation involving bankruptcy, bad faith insurance, coverage issues, breach of contract, fiduciary duty, shareholder disputes, fraud, unfair competition, trade secret misappropriation, and wrongful termination.

Areas of Focus

Industries: Healthcare; Insurance; Life, Health, Disability & ERISA ; Managed Care

Services: Complex Commercial Litigation ; Litigation & Trial

Experience

- 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.
- Obtained a defense judgment for a behavioral health services provider in an ERISA trial in federal court. Successfully defended the judgment on appeal before the US 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.
- Achieved successful 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.
- Represented healthcare insurers in lawsuits and arbitration proceedings over payment and other contractual disputes with healthcare providers.

Credentials

Education

Indiana University Maurer School of Law, JD, 1982

Purdue University, BA, *with distinction*, 1979

Bar Admissions

California

Court Admissions

US Court of Appeals for the Ninth Circuit

US District Court for the Central District of California

US District Court for the Eastern District of California

US District Court for the Northern District of California

US District Court for the Southern District of California

US District Court for the Northern District of Indiana

US District Court for the Southern District of Indiana

Interests

Did you know...

If Robert were not practicing law, he envisioned becoming an architect, designing lasting structures that would serve people long beyond his time.

Community/Civic Activities

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

Thought Leadership

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

Hinshaw Newsletter

- The LHD/ERISA Advisor – June 2020 Edition, Jun 3, 2020

Press Release

- Hinshaw & Culbertson Expands in California, Jan 9, 2018