



THOMAS BARKER

PARTNER
CO-CHAIR, HEALTHCARE PRACTICE

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I apply my years of federal healthcare policy experience to help clients navigate the complexities of Medicare and Medicaid reimbursement, regulatory, and coverage matters.

Thomas Barker's practice focuses on complex federal and state health care legal and regulatory matters with a special expertise in Medicare and Medicaid law, including coverage, reimbursement and regulatory oversight. He represents healthcare providers and payers before the Centers for Medicare & Medicaid Services (CMS) and other components of the Department of Health and Human Services (HHS), Congress, and the Department of Labor.

Tom is a former commissioner of the Medicaid and CHIP Payment and Access Commission (MACPAC), an advisory body that provides policy advice to Congress and the states on the Medicaid and CHIP programs. He is one of the authors of the firm's Medicaid & the Law blog, www.medicaidandthelaw.com, which highlights and explains current legal and policy issues in the Medicaid program.

Prior to coming to Foley Hoag, Tom served in a succession of high-level federal health care policy positions throughout the Administration of President George W. Bush. In 2008, he served as acting General Counsel of HHS; from 2005 - 2008, he served as health policy counselor to HHS Secretary Michael Leavitt. From 2001 - 2005, he was the chief legal officer of the Centers for Medicare & Medicaid Services. While serving as acting General Counsel, Tom oversaw a staff of some 450 attorneys responsible for attesting to the legal sufficiency of every regulation and interpretive guidance published by the Department. In that role, he provided legal advice to Secretary Leavitt, along with the Administrator of CMS and Commissioner of the Food and Drug Administration. Tom played a key role in the implementation of every major health policy initiative enacted during his time at HHS, including the Medicare Prescription Drug Benefit (Medicare Part D) and the Medicare Advantage programs. He also chaired policy briefings on Medicare and Medicaid policy at HHS, the Office of Management and Budget, and the White House.

Prior to his service at HHS, Tom was regulatory counsel to the Massachusetts Hospital Association during the 1990s. Prior to that, he worked for members of the House of Representatives serving on the Committee on Appropriations and the Committee on Ways and Means. He is a member of the adjunct faculties of the George Washington University School of Law and the School of Public Health and Health Services, and Suffolk University School of Law.

Tom also provides pro bono services on behalf of support organizations representing North Korean refugees living in the

United States and Seoul, South Korea, and he has represented multiple individual North Korean refugees on immigration matters before the Department of Homeland Security, including before the United States Citizenship and Immigration Services.

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EDUCATION

- Suffolk University Law School, J.D., *magna cum laude*, 1998
- Jacksonville University, B.A. in English and Political Science, with honors, 1981

BAR AND COURT ADMISSIONS

BAR ADMISSIONS

- District of Columbia
- Massachusetts

COURT ADMISSIONS

- Supreme Judicial Court of Massachusetts
- U.S. District Court for the District of Massachusetts
- U.S. Tax Court
- U.S. Court of Appeals for the District of Columbia Circuit
- U.S. District Court for the District of Columbia
- District of Columbia Court of Appeals
- U.S. Supreme Court
- U.S. Court of Appeals for the First Circuit
- U.S. Court of Appeals for the Fifth Circuit

- U.S. Court of Appeals for the Ninth Circuit
- U.S. Immigration Court

EXPERIENCE

PROFESSIONAL EXPERIENCE

- George Washington University Medical Center, Milliken School of Public Health and Health Services, Assistant Professor of Health Law
- George Washington University School of Law, Assistant Professor of Health Law
- Suffolk University School of Law, Adjunct Professor teaching courses in Medicare and Medicaid law, tax law issues in health care, and introductory health law

HONORS & INVOLVEMENT

HONORS

- High Honor, 2020 Capital Pro Bono Honor Roll (April 2021)
- Listed in THE BEST LAWYERS IN AMERICA for Health Care Law (2016-2023)
- Ranked by CHAMBERS USA: AMERICA'S LEADING LAWYERS FOR BUSINESS as one of Massachusetts' leading healthcare lawyers (2011-2022)
- U.S. Department of Health and Human Services, Secretary's Award for contributions to Administration's health care initiatives (2002-2007)
- Jacksonville University, Jacksonville, Florida, Distinguished Alumni (2006)

INVOLVEMENT

- Commissioner, Medicaid and CHIP Payment and Access Commission (MACPAC)
- American Health Lawyers Association
- Boston Bar Association, Health Law Section Steering Committee, Member; developed quarterly newsletter of Health Law Section
- DC Bar
- Federalist Society
- Member of the Board of Trustees of the Massachusetts Association for Mental Health
- Member of the Board of Trustees of New England Baptist Hospital
- Member of the Board of Trustees of the Committee for Human Rights in North Korea

- Cathedral of St. Matthew of the Apostle, Washington, D.C., October 2003 - present
- John Carroll Society
- American Immigration Lawyers Association

SPEAKING ENGAGEMENTS

- "[Legal Risks Following *Dobbs*](#)" Jewish Federations of North America (September, 2022)
- "[Patient Care at Hospitals After *Roe v. Wade* Overturned](#)," Federation of American Hospitals' Hospitals in Focus podcast (July 2022)
- "Healthcare Policy in the Courts: Summer 2022 Update," Foley Hoag Webinar (July 2022)
- "The Public Health Emergency (PHE) is Ending: What Should Providers Expect Next?," American Health Lawyers' Association Annual Meeting (June 2022)
- "The Pandemic is Ending: What Providers Can Expect Next," American Health Lawyers' Association Fraud and Compliance Program (October 2021)
- AHIP (America's Health Insurance Plans) National Conference on Medicare, Medicaid & Dual Eligibles (September 2020)
- "Hot Topics in Drug and Medical Device Regulation," American University Washington College of Law's Health Law and Policy Webinar (June 2020)
- "Washington Update," Princeton Conference XXVI (May 2019)
- "HHS' Rule To Change AKS Safe Harbor Protection For Rebates in the Drug Supply Chain," Webinar (April 2019)
- "The Changing Face of the Medicaid Program: A Review of Recent Trends in State Medicaid Waivers," American Health Lawyers' Association Annual Institute on Medicare and Medicaid Payment Issues Conference (March 2019)
- "North Korean Refugee Resettlement in the USA: History, Challenges, and Prospects," Korea Economic Institute of America, and the Committee for Human Rights in North America (October 2018)
- "Presentation on U.S. Health Care, Drug Pricing, and Coverage, Regulation and Payment," Seoul BioHub (November 2018)
- "The MassHealth Waiver Extension: What Does it Mean for Human Service Providers?," Providers' Council 42nd Annual Convention (September 2018)
- "Medicare and Medicaid Coverage of Prescription Drugs in the United States: Current Issues," BioKorea (May 2018)
- "MassHealth 1115 Waiver: How the Shift to Value-based Care Will Affect Human Services Providers," Providers' Council Webinar (December 2017)
- "The Debate Over High Prescription Drug Prices: Prospects for Reform," AHLA Annual Meeting (June 2017)
- "Barker on Repeal, Replacement of Obamacare," Bloomberg Markets Podcast (December 2016)
- "CLE - Crossroads: The Intersection of Immigration and Healthcare Law," Boston Bar Association (February 2016)
- "King v. Burwell: Real-World Planning and Implications for the Affordable Care Act," ABA Webinar (August 2015)
- "The 340B Program for Covered Entities - Compliance and Upcoming Developments," Webinar (March 2015)

- "The 340B Program for Drug Manufacturers - HRSA's Implementation of the Program," Webinar (March 2015)
- "Introduction to Health Law and the Affordable Care Act (ACA) Series 2015: Medicare Under the Affordable Care Act," Washington, D.C. Bar Association (January 2015)
- "Fundamentals of Medicare Parts C-D," American Health Lawyers Association's (AHLA) Fundamentals of Health Law Conference (November 2014)
- "Medicare Hot Topics: Payment, Audit and Enforcement," Boston Bar Association (September 2014)"Can State Medicaid Agencies Restrict Access to Life-Saving Therapies Based on Cost?," Webinar (July 2014)
- "Entering the U.S. Healthcare Market," presentation for Korean Biopharmaceutical Companies (May 2014)
- "Coverage and Reimbursement for Pharmaceutical and Biopharmaceuticals," BIO International, Executive Breakfast (June 2014)
- "Medicare Parts C and D After the ACA," Washington, D.C. Bar Association (January 2014)
- "Will the Six Protected Class Rule Become a Thing of the Past?," Webinar (January 2014)
- "5 Things to Know About the ACA's Summary of Benefits and Coverage (SBC)," High Roads Webinar (January 2012)
- Employee Benefits Security Administration Rules: Summary of Benefits, Coverage and Uniform Glossary
- Employee Benefits Security Administration Rules: Templates, Instructions and Related Materials; and Guidance for Compliance
- "Drug Development in an Evolving Healthcare Ecosystem," MassBio BioPharm America (September 2011)
- "Five Questions An HR Manager Should Be Asking About The Affordable Care Act", High Roads Customer Summit (May 2011)
- "Health Reform and the Role of Exchanges," American Health Lawyers Association (December 2010)
- "Health Care Reform and Challenges for CMS," Transparent Pricing and Benchmarks Conference, Chaindrugstores.net (May 2010)
- "Overview of Regulatory Changes to Medicare, Medicaid, and Other Public Payors," 11th Annual Hospital & Health Law Conference 2010 (May 2010)
- "The Federal Government: Limiting or Encouraging Innovation," The Galen Institute's Value of Innovation in Health Care Conference (December 2009)
- "Introduction to the Centers for Medicare & Medicaid Services (CMS) Payment Process: Medicare Basics for Health Care Investors" (October 2009)
- "Coverage and Payment for Connected Health Products," MassMEDIC (September 2009)
- "Emergency Medical Treatment and Labor Act (EMTALA) Current Issues and Cases," 11th Annual Emergency Medicine Conference, Massachusetts Hospital Association (July 2009)
- Moderator, "State and Federal Legislative Update," Boston Bar Association (June 2009)
- "Demystifying the HHS/CMS Regulatory Process," Boston Bar Association (May 2009)
- "What Private Parties Should Expect from Health Care Reform in 2009," Right at Home Seminar (May 2009)
- "Demystifying the CMS Regulatory Process," American Health Lawyers' Association (AHLA) Regulatory, Accreditation and Payment Practice Group, AHLA's Annual Medicare and Medicaid Payment Conference, Baltimore, MD (March 2009)

