



## KEVIN CORNISH

Senior Managing Director

### Nationally Recognized Healthcare Litigation & Investigation Expert

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kevin.cornish@ankura.com

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#### EDUCATION

BS, Respiratory Therapy,  
University of Nebraska

BS, Biology, University of  
Nebraska

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#### CERTIFICATIONS

Registered Respiratory Therapist

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#### AFFILIATIONS

Board of Directors of the  
National Subacute Care  
Association, Founding Member

The American Association for  
Respiratory Care, Subacute Care  
Specialty Section, Past Chair

Health Care Compliance  
Association, Past Member

American Health Care  
Association, Past Member

American College of Healthcare  
Executives, Past Member

American Health Lawyers  
Association, Associate Member

American Bar Association,  
Associate Member

Kevin Cornish is a Senior Managing Director at Ankura based in Indianapolis. Kevin has been providing healthcare dispute, expert, investigation, and compliance services to healthcare companies and law firms representing virtually all segments of the healthcare industry for over 25 years. Kevin has a long history and respected reputation with federal enforcement agencies including the US Departments of Justice and the Office of Inspector General for Health and Human Services. He has been accepted as an expert in state, federal, and arbitration matters in a wide variety of healthcare areas and court jurisdictions.

Representative engagements within Kevin's professional experience includes:

- **Expert Witness:** Exclusively in the healthcare industry in over 45 state court, federal court, and arbitration matters in jurisdictions throughout the United States. Issues ranging from healthcare industry standards, reimbursement, billing, coding, breach of contract, liability, and damages.
- **Government investigation:** Lead over 50 Department of Justice and Office of Inspector General federal investigations of healthcare companies in all industry segments. Approved as an Independent Review Organization provider pursuant to Corporate Integrity Agreements in over 50 matters.
- **Commercial Insurance:** Testifying expert witness in a large out of network arbitration related to reimbursement of emergency room services. Areas of testimony included analysis of over a million transactions with respect to claim adjudication, compliance with applicable benefit plans, state statute as well as completion of a market analysis.
- **Pharmaceutical:** Testifying expert witness for a major pharmaceutical manufacturer in federal and state court cases. Area of testimony focuses on analysis of millions of electronic sales transactions from the pharmaceutical manufacture to a wide variety of purchasers. Analysis and testimony relate to the types of pricing to various purchasers and end users for specific therapeutic class drugs and different pricing conventions including rebates, charge backs, returns, wholesale, retail, and physicians.

- **Acute Care:** Engagement director of a multi-hospital, system wide charge description master review and update. Engagement involved the detailed review of several thousand CDM entries and the consolidation of a disparate system into a single CDM. The objective of the engagement was first and foremost to bring the hospitals charging system into compliance with applicable state and federal charge and pricing regulations. In addition, another objective was to improve the system's ability to capture and recognize revenue for services that the current CDM structure did not facilitate. Kevin worked closely with the system general counsel, chief operating officer, and various departmental representatives to organize and operate a program management office to complete this large undertaking. This engagement ultimately resulted in the implementation of an update, single organization, CDM as well as several hundred opportunities for charge capture and/or billing accuracy improvement.
- **Home Health Care:** Engagement director of a retrospective review of a large hospital-based home health agency provider. The review encompassed the assessment of approximately 7,000 historical home health and home infusion claims that had been submitted with potential errors which required disclosure to the federal government and the Department of Justice. Led the client's general counsel and outside counsel in the development of the electronic data extraction, review, and disclosure strategy and oversaw the engagement team that performed the work. Assisted the client in presentation of facts to the Assistant United States Attorney's office. A significantly large error rate and high false claim risk was successfully mitigated to a minor reimbursement reclassification.
- **Post-Acute Care:** Engagement director for a large, several hundred thousand claim, retrospective analysis, and quantification of skilled nursing facilities accounting, and documentation related to routine and ancillary cost tracking as it relates to Medicare Certified Distance Part (CDP) cost accounting. National long-term care provider was being investigated by Assistant United States Attorney (AUSA) office for inappropriate accounting of routine and ancillary costs. Kevin worked with client and outside counsel to develop an approach to extract several years' worth of electronic data and perform testing of facility processes and documentation relating to CDP accounting as well as an extrapolation method of determining appropriate CDP nursing costs in absence of contemporaneous CDP records. The result of our work facilitated the provider presenting a sound argument to the AUSA of what appropriate nursing cost allocations should have been to the CDP and the associated reimbursement impacts.
- **Physician Services:** Engagement director for review of large academic medical center Cardiology Services physician program related to billing and documentation of medical services. Engaged by counsel to provide comprehensive analysis of electronic claims data and various aspects of physician services provided by affiliated physician group within hospital and assist counsel in development of legal and financial strategy to resolve litigation matter.