

## MVP: Latham's Daniel Meron

By Kevin Stawicki

*Law360 (November 27, 2019, 2:22 PM EST)* -- Latham & Watkins LLP's Daniel Meron secured a win for UnitedHealth Group in a challenge to a Medicare overpayment rule and is representing Merck & Co., Eli Lilly and Amgen in their challenge to a federal regulation mandating the disclosure of wholesale drug prices in television advertisements, earning him a place among Law360's 2019 Health Care MVPs.

### ***HIS BIGGEST ACCOMPLISHMENT THIS YEAR:***

Meron led the Latham team representing UnitedHealth Group Inc. in its challenge of the Centers for Medicare and Medicaid Services' payment policies for its Medicare Advantage program.

A D.C. federal judge vacated the federal government's rule requiring Medicare Advantage insurers to return payments associated with diagnosis codes submitted by health care providers that were not supported in those providers' medical charts, without accounting for similar errors in the government's own claims data for beneficiaries on traditional Medicare.

The judge determined in September 2018 that CMS's rule violated the statutory obligation to ensure equivalent payments in traditional Medicare and privately administered Medicare Advantage insurance plans.

Vindicating UnitedHealth's effort to boost industry profits and reduce potential False Claims Act liability was at the center of the closely watched case, which Meron said raised important questions about reimbursements.

"The case was challenging because the reimbursement methodology and the scheme are complicated to explain," he said. "Once one understands how the reimbursement system actually works and what the statute means, the conclusion that the rule is unlawful becomes pretty straightforward."

### ***WHY HE'S A HEALTH CARE ATTORNEY:***

Before pursuing law, Meron had been paving a path toward academia as he studied political theory and



Daniel Meron  
Latham

government at Harvard and put in four years of graduate work toward a doctorate.

What tilted the scales toward a legal career in the health care industry, Meron said, was the practical impact policy questions and litigation can have on all kinds of people.

"I liked that you're in a position to deploy reasoning and persuasion in aid of a concrete goal," he said. "Health care law combines all the aspects of law that I like with a fascinating array of policy questions that affect literally everybody."

Litigating administrative law cases that involve complex health care regulations requires an attention to detail and the ability to step back from the complexity to remember the bigger picture, Meron said.

"You have to start by imagining that you were having a conversation with someone who knew nothing about this industry," he said. "It's so tempting to think only about the circle of people in your industry, but that's not who the judge is."

#### ***HIS PROUDEST MOMENT THIS YEAR:***

Meron said he is proud to represent an incarcerated individual who, at 18 years old, was sentenced to 44 to 66 years in prison for a carjacking theft following a trial that Meron said "had a lot of errors."

"It's been hundreds of hours and a lot of emotional investment," he said. "It's the kind of thing everyone goes into law initially for."

#### ***OTHER NOTABLE CASES HE'S WORKED ON:***

Meron has guided Merck & Co. Inc., Eli Lilly and Co., and Amgen Inc. through litigation over federal regulations that would have required the disclosure of wholesale drug prices in television advertisements.

A D.C. federal judge vacated the federal regulation in July, finding that the U.S. Department of Health and Human Services went beyond its rulemaking authority under the Social Security Act.

The case is pending in the D.C. Circuit.

#### ***ADVICE HE HAS FOR JUNIOR ATTORNEYS:***

"Work on your writing. There's no substitute for good writing," Meron said. "And do your homework. There are no shortcuts."

— *As told to Kevin Stawicki*

*Law360's MVPs are attorneys who have distinguished themselves from their peers over the past year through high-stakes litigation, record-breaking deals and complex global matters. A team of Law360 editors selected the 2019 MVP winners after reviewing nearly 900 submissions.*