

MVP: Morgan Lewis' Susan Feigin Harris

Law360 (December 6, 2018, 1:29 PM EST) -- Susan Feigin Harris of Morgan Lewis & Bockius LLP has gone to bat for children's hospitals, scoring wins for them this year in D.C. federal court and at the Fourth Circuit, helping vacate rules that limited the amount of Medicaid reimbursements those hospitals received and earning her a spot as one of Law360's 2018 Health MVPs.

HER BIGGEST ACCOMPLISHMENT THIS YEAR:

In March, a D.C. federal court ruled to vacate a Centers for Medicare & Medicaid Services rule Harris and her team had argued kept tens of millions of dollars in supplemental funding from children's hospitals across the country.

She said the rule changed the calculation of supplemental funding, which was intended to reimburse hospitals for any shortfalls caused by chronic underpayment from treating large numbers of Medicaid patients.

Children's hospitals were hit particularly hard because so many of their patients rely on Medicaid, Harris said, and the change in formula cost some facilities as much as \$80 million.

"That's a lot of money, and what that does in some cases is put those facilities under," Harris said. "These are all nonprofit entities. It could prevent those facilities from continuing to invest in the technologies they need, or recruiting the researcher who's going to create the next immunotherapy to cure cancer in a child."

The MVP logo features the letters 'MVP' in a bold, blue, sans-serif font. The letter 'V' is partially enclosed by a red circle with an upward-pointing arrow, symbolizing achievement or a 'winner'.

Susan Feigin Harris
Morgan Lewis

The court found the rule to have exceeded CMS' authority because it was substantive, not simply clarifying in nature. CMS has appealed the judgment to the D.C. Circuit. But after scoring reimbursements for the hospitals in 2017, having the rule nixed entirely this year was a highlight for Harris.

"Being able to win these cases for the children's hospitals, I don't think there's any question about it, honestly has been one of the most fun things I've done in my career," Harris said.

HER BIGGEST CHALLENGE THIS YEAR:

Harris and her team have, for the last year, been trickling over to Morgan Lewis from BakerHostetler, where Harris spent more than a decade. Juggling her caseload and the move has been her biggest challenge, she said.

Harris made the move last November with fellow BakerHostetler partner Donna S. Clark to help shore up Morgan Lewis' Texas health care practice. A month later, they were joined by B. Scott McBride and Gregory N. Etzel, who joined the firm as partners, along with of counsel Summer Swallow.

"It's particularly exciting to me that all of these cases and all of the work that we have been doing came to fruition during the year," Harris said. "All of this has been going on while we moved law firms and moved practices."

WHAT MOTIVATES HER:

Harris said that, while she enjoys most aspects of her job, including mentoring junior attorneys, working with her colleagues and practicing health care law, her main motivation is her ambition to be the best attorney she can be.

She said she doesn't know if she will ever achieve her dream of being at the top of her field, but the goal is what keeps her going.

"It's really hard to be an excellent, eminent attorney and I'm surrounded by people who are better than me every day," she said. "So that's a motivator in and of itself."

WHY SHE'S A HEALTH ATTORNEY:

Perhaps it made her a rarity, but Harris always knew she wanted to be a health care attorney, she said.

Her father, the late Dr. Ralph Feigin, headed up Baylor College of Medicine during Harris' youth, and it was watching her father's work in pediatrics that sparked her interest in health policies, she said. But she knew she wasn't cut out for medicine like her father.

"I knew I couldn't do that," Harris said. "So I went to law school to be a health care attorney."

Now, when she wins a case on behalf of children's hospitals, Harris said she knows she is doing a part to ensure institutions that provide critical, life-saving services aren't being taken advantage of.

Winning CMS reimbursements for the children's hospitals last year was a crowning moment for Harris, she said, because she knew how much hospitals depend on those funds to provide life-saving care.

"It gives me such a level of personal satisfaction and great pride," she said. "I wish my dad was here to see it. It just made me so happy that I was able to do something in an area where he devoted his entire life."

— *As told to Nadia Dreid*

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 2018 MVP winners after reviewing nearly 1,000 submissions.