

# MICHAEL H. COHEN

## CURRICULUM VITAE

www.cohenhealthcarelaw.com

Carson City, NV | Palo Alto, CA | (310) 844-3173

### EXPERIENCE

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#### **Cohen Healthcare Law Group, A Professional Corporation**

*Founding Attorney*

1999–Present

- Serve as Arbitrator & Mediator: actively managing a specialized healthcare dispute resolution caseload; AHLA Arbitration Panel Member since December 2022, handling healthcare regulatory arbitration matters referred through the AHLA Dispute Resolution Service.
- Have represented over 500 clients annually. Maintain a blog on healthcare & FDA law topics.
- Counsel for healthcare and wellness ventures, practitioners, and facilities in regulatory, corporate, and dispute resolution matters.
- FDA, FTC, and strategic legal and regulatory advice to distributors and manufacturers of cosmetics, dietary supplements, medical devices, OTC/homeopathic drugs, and consumer products.
- Practice areas include: healthcare dispute resolution, FDA, FTC, HIPAA, Medicare, telemedicine, digital and mobile healthcare, healthcare facility licensing, fraud & abuse (Anti-Kickback, Stark, fee-splitting), contract manufacturing, business formation, acquisitions, concierge medicine, contract drafting and negotiation, management agreements, IP/licensing, mobile medical apps, claims/labeling/substantiation, informed consent, clinical off-label use, ketamine practice, addiction medicine, aesthetic medicine, medical spas, IV hydration, pharmacy law, diagnostic services, laboratory services,.
- Counsel to Management Services Organizations (MSOs), including drafting MSO agreements, advising on CPOM compliance, structuring management fee arrangements, and resolving MSO-related contractual and regulatory disputes.

#### **Selected matters:**

- Provided FDA & FTC claims review for dietary supplements including Omegas, noni juice, patented probiotic strains, and traditional oriental medicine herbal products.
- Gave fraud and abuse advice to a national dietary supplement company seeking joint ventures with a clinical lab chain.
- Guided company regarding FDA & FTC issues for its first OTC drug product.
- Counseled online HCG provider regarding FDA, FTC, and state law issues.
- Advised dietary supplement distributor regarding off-label promotion of Rx drugs.
- Counseled start-up manufacturer of body wrap re FDA medical device and cosmetics issues.
- Advised manufacturer of placebo pills regarding FDA rules on claims and substantiation.
- Provided healthcare regulatory expertise to top-tier international law firm on M&A due diligence for acquisition of medical spas.
- Provided healthcare regulatory expertise to top-tier national law firm regarding online telemedicine matching service.
- Drafted management and marketing agreements for national MSOs; advised on CPOM and anti-kickback compliance.
- Counseled physician plaintiff in medical partnership dispute against medical group.
- Reviewed CPOM and anti-kickback issues for telemedicine startups.
- Counseled chiropractor regarding fee-splitting issues in collaboration with MD.
- Provided strategic advice for telemedicine operation involving medical cannabis recommendations.
- Drafted HIPAA compliance plans for medical practices; advised integrative care clinics on contracts and compliance.
- Reviewed and drafted physician employment contracts; advised NPs, DOs, PhDs, and other healthcare practitioners.

<b>Burkhalter, Michaels, Kessler &amp; George</b> <i>Attorney — General Corporate Practice</i>	1999
<b>Shereff, Friedman, Hoffman &amp; Goodman</b> <i>Attorney — Litigation Practice</i>	1993
<ul style="list-style-type: none"> <li>• Drafted briefs and memos in litigation practice.</li> </ul>	
<b>Davis Polk &amp; Wardwell</b> <i>Associate, Corporate Department</i>	1990–1992
<ul style="list-style-type: none"> <li>• Represented issuers, underwriters, banks, and various entities in three-year rotation through the firm's banking, securities, and M&amp;A departments.</li> </ul>	
<b>United States District Court, Southern District of New York</b> <i>Law Clerk to the Honorable Thomas P. Griesa, Chief Judge</i>	1986–1987
<ul style="list-style-type: none"> <li>• Drafted bench memoranda and opinions; observed civil and criminal trials.</li> </ul>	

## TEACHING EXPERIENCE

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<b>Harvard Medical School</b> <i>Lecturer on Medicine; Assistant Professor of Medicine; Assistant Clinical Professor of Medicine</i> <i>Director of Legal Programs, Harvard Medical School Osher Institute</i> <i>Director of Legal Programs, Division for R&amp;E in Complementary &amp; Integrative Medical Therapies</i> <i>Director of Legal Programs, Center for Alternative Medicine Research &amp; Education, BIDMC</i>	2000–2005
<ul style="list-style-type: none"> <li>• Developed policies and procedures for integrative medicine across 14 Harvard-affiliated hospitals.</li> <li>• Received NIH award as Principal Investigator of a 3-year grant, culminating in published book.</li> <li>• Principal Investigator on one additional grant; Co-Investigator on numerous others.</li> <li>• Dozens of publications in peer-reviewed medical, legal, and professional journals.</li> </ul>	
<b>Harvard School of Public Health</b> <i>Assistant Professor of Health Policy and Management; Adjunct Assistant Professor</i> <i>Course Director, Complementary &amp; Alternative Medicine: Health Law &amp; Policy</i>	2005–2011
<b>University of the West Indies LLB Program at College of the Bahamas</b> <i>Visiting Lecturer, Associate Professor</i>	2005–2007
<b>Arizona State University — East Campus</b> <i>Visiting Professor</i>	1999–2000
<b>Chapman University School of Law</b> <i>Associate Professor of Law</i>	1996–1999
<b>Widener University School of Law</b> <i>Associate Professor of Law</i>	1993–1996
<b>Brooklyn Law School</b> <i>Adjunct Instructor</i>	1993

**Courses taught:** Civil Procedure, Conflicts of Laws, Constitutional Law, Criminal Law, Health Care Law, Insurance Law, Intellectual Property, International Organizations, Legal Research & Writing, Moot Court, Private International Law.

## ADR TRAINING & NEUTRAL CREDENTIALS

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### Panel Membership

- **AHLA Arbitration Panel** — American Health Lawyers Association Dispute Resolution Service; panel member since December 2022; handling healthcare regulatory arbitration matters.

### Arbitration Training

- **Arbitration Training** — American Health Lawyers Association (AHLA) (December 2022)

## Mediation Training

- **Advanced Mediation Skills Practicum** — Los Angeles County Bar Association, Center for Civic Mediation (October 2013)
- **Certificate of Training in Mediation and Conflict Resolution** — Center for Dispute Resolution, Santa Monica, California (Spring 2013)

## ADR Scholarship

- *"Negotiating Integrative Medicine: A Framework for Provider-Patient Conversations,"* Negotiation Journal (2004) 30(3):409-433 — published academic work on negotiation dynamics in healthcare regulatory contexts.

## EDUCATION

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Fortieth Anniversary Senior Fellow — Center for the Study of World Religions <i>Harvard Divinity School</i>	2002–2003
M.F.A. (Creative Writing) <i>University of Iowa, Iowa Writers' Workshop</i>	1990
M.B.A. <i>University of California, Berkeley — Haas School of Management</i>	1988
J.D. <i>University of California, Berkeley — Boalt Hall School of Law</i>	1986
B.A. <i>Columbia University, Columbia College</i>	1983

## BAR ADMISSIONS

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Nevada	2025
Washington, D.C. (Resigned)	2000
California	1999
New York	1988
Massachusetts (Retired)	1988
Solicitor of the Supreme Court of England & Wales (inactive)	2006

## AWARDS & GRANTS

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G. Joseph Tauro Distinguished Scholar — <i>Boston University School of Law</i>	1984
CJS Award; Am. Jur. Award — <i>Boston University School of Law</i>	1984
Invited to Law Review — <i>Boston University School of Law</i>	1984
Invited to Law Review — <i>Boalt Hall School of Law, UC Berkeley</i>	1984
Invited Faculty, Medical Institute for Law Faculty — <i>Cleveland Clinic / Cleveland-Marshall School of Law</i>	1995

## Research Grants (selected)

- **Principal Investigator** — NIH/National Library of Medicine: Legal and Social Barriers to Alternative Therapies (2002–2005)
- **Principal Investigator** — The Greenwall Foundation: Pediatric Use of Complementary Therapies by Parents: Ethical and Policy Choices (2004–2005)
- **Principal Investigator** — American Specialty Health Plan: Credentialing Practices, Malpractice Liability Policies, and Guidelines Governing Recommendations Involving Dietary Supplements (2000–2002)
- **Co-Investigator** — NIH/NCCAM: Models of Integrative Care in an Academic Health Center (2000–2002)
- **Co-Investigator** — NIH/NCCAM: International Center for Research on Complementary & Alternative Medicine (2003–2005)
- **Co-Investigator** — Medtronic Foundation: Credentialing, Liability and Dietary Supplements Policies (2000–2002)

- **Co-Investigator** — The Epilepsy Foundation: Asian Herbal Products for Epilepsy (2004–2005)
- **Research Collaborator** — Hospital for Sick Children Foundation (Toronto): Decision-Making About Complementary and Alternative Therapies for Children and Youth (2004–2005)
- **Consultant** — M.D. Anderson Cancer Center Integrative Medicine Program / NCI (2005)
- **Consultant** — Ministry of Science & Research of North Rhine-Westphalia, Germany: Governmental Regulations for Traditional Chinese Herbal Medicine (2004)

## PROFESSIONAL SERVICE & EDITORIAL BOARDS

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- Faculty, The Leadership Program in Integrative Healthcare at Duke University (2014)
- Consultant, Institute of Medicine, National Academy of Sciences, Committee on Complementary and Alternative Medicine Use by the American Public (2003–2004)
- External Advisory Committee, University of Texas M.D. Anderson Cancer Center, Integrative Medicine (2005)
- Board Member, Society of Integrative Oncology (2005)
- Core Faculty Member, Asian Medicine and Healing Program, Harvard Medical School Osher Institute (2005)
- Advisory Board Member, Integrative Pediatrics Council (2006)
- Editorial Board, Integrative Medicine: A Clinician's Journal (2004)
- External Reviewer: Pediatrics; Journal of Law & Religion; Alternative Therapies in Health & Medicine; Medical Journal of Australia; American Journal of Law, Medicine & Ethics; University of Michigan Press (2000–2005)
- National Advisory Board, Corporate Health Improvement Program, University of Arizona School of Medicine (2004)
- Research Advisory Council, Religion, Health and Healing Initiative, Harvard Divinity School (2001–2002)
- Advisor to Dr. Eisenberg, Federation of State Medical Boards, Model Guidelines for Complementary and Alternative Therapies (2000–2002)
- Advisor to Dr. Eisenberg, Massachusetts Special Commission on Complementary and Alternative Medical Practitioners (2002–2003)
- Board of Directors, APMA Education & Legal Foundation (1995–2000)
- Board of Directors, American Preventive Medical Association (1995–1997)
- Co-Editor, Legal Matters, Alternative & Complementary Therapies (1995–1996)
- Legal Editor, Alternative Healthcare Management (1998–1999)

## PUBLICATIONS

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### Books

- Cohen MH. Creative Writing for Lawyers. New York: Citadel Press; 1991.
- Cohen MH. Complementary and Alternative Medicine: Legal Boundaries and Regulatory Perspectives. Baltimore: Johns Hopkins University Press; 1998.
- Cohen MH. Beyond Complementary Medicine: Legal and Ethical Perspectives on Health Care and Human Evolution. Ann Arbor: University of Michigan Press; 2000.
- Cohen MH. Future Medicine: Ethical Dilemmas, Regulatory Challenges, and Therapeutic Pathways to Health and Healing in Human Transformation. Ann Arbor: University of Michigan Press; 2003.
- Cohen MH. Legal Issues in Integrative Medicine. Washington, D.C.: NAF Publications; 2005.
- Cohen MH. Healing at the Borderland of Medicine and Religion. Chapel Hill: University of North Carolina Press; 2006.
- Cohen MH, Ruggie M, Micozzi M. Integrative Medicine: A Legal and Operational Guide. New York: Springer; 2006.
- Cohen MH. Your Healthcare Company's Excellent Legal Adventure: Legal Strategies & Solutions Health and Wellness Ventures Can Profitably Deploy. Amazon; 2018.

### Selected Peer-Reviewed Articles in Medical Journals

Over 100 articles in publications including Annals of Internal Medicine, Archives of Internal Medicine, Pediatrics, Journal of Medical Ethics, Medical Journal of Australia, Epilepsy & Behavior, and others. Selected:

- *Ernst EE, Cohen MH.* Informed consent in complementary and alternative medicine. Arch Intern Med 2001;161:2288-2292.
- *Cohen MH, Eisenberg DM.* Potential physician malpractice liability associated with complementary/integrative medical therapies. Ann Intern Med 2002;136:596-603.
- *Eisenberg DM, Cohen MH, et al.* Credentialing complementary and alternative medical providers. Ann Intern Med 2002;137:965-973.
- *Cohen MH, Kemper KJ.* Complementary therapies in pediatrics: A legal perspective. Pediatrics 2005;115:774-780.
- *Cohen MH, et al.* Emerging credentialing practices, malpractice liability policies, and guidelines governing complementary and alternative medical practices: a descriptive study of 19 integrative health care centers. Arch Int Med 2005;165:289-295.
- *Gilmour J, Harrison C, Asadi L, Cohen MH, Vohra S.* Pediatric use of complementary and alternative medicine: legal, ethical, and clinical issues in decision-making. Pediatrics 2011;128:S149-154. [and 8 companion articles in same issue]

#### **Selected Articles in Law Reviews & Journals**

- *Cohen MH.* Reconstructing the implied covenant of good faith and fair dealing as a tort. Calif L Rev 1985;73:1291-1331.
- *Cohen MH.* A fixed star in health care reform: the emerging paradigm of holistic healing. Ariz State L J 1995;27:79-173.
- *Cohen MH.* Holistic health care: including complementary and alternative medicine in insurance and regulatory schemes. Ariz L Rev 1996;38:83-164.
- *Cohen MH.* U.S. dietary supplement regulation: belief systems and legal rules. Hastings W Law J 2000;11(1):3-21.
- *Cohen MH.* Negotiating integrative medicine: a framework for provider-patient conversations. Negotiation J 2004;30(3):409-433.
- *Cohen MH.* Healing at the borderland of medicine and religion: regulating potential abuse of authority by spiritual healers. J Law & Relig 2004;18(2):373-426.
- *Cohen MH, Ruggie M.* Integrating complementary and alternative medical therapies in conventional medical settings: legal quandaries and potential policy models. Cinn L Rev 2004;72(2):671-729.

#### **See Also**

- <https://cohenhealthcarelaw.com/healthcare-dispute-resolution-neutral-services/>
- <https://cohenhealthcarelaw.com/our-team/michael-h-cohen/>

#### **OTHER CREDENTIALS & ACTIVITIES**

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- Registered Yoga Teacher (RYT certified) (2000)
- Hospice volunteer, Veterans' Administration Hospital, Los Angeles (1998)
- Member, American Health Lawyers Association
- Standup comedy performer (2024)