



Thanks to the extraordinary commitment and expertise of AHLA leaders, the American Health Lawyers Association continues to thrive and serve as the essential health law resource in the nation. The Association's strong foundation reflects a history that is vibrant, meaningful and worth sharing. Finding a way to preserve AHLA's history was especially relevant in light of the Association's 50th Anniversary, which was celebrated throughout 2017.

Conversations between AHLA leaders were conducted via audio interview as part of the Association's History Project. More than 60 of AHLA's Fellows and Past Presidents were interviewed. In addition, several were also videotaped. A documentary was prepared using content from the audio and video interviews and debuted on June 26 during AHLA's 2017 Annual Meeting in San Francisco, CA. This transcript is from a video interview conducted on x date.

March 28, 2017

Dennis Woltering (videographer) interviewing Marilou King:

Marilou: I went to law school wanting to be a healthcare lawyer. That was in 1976, and what I thought that meant at the time was that I would stand up for patients and patient rights, like Karen Ann Quinlan, the right to die, and I would defend patients from hospitals and providers.

What I found out, when it came time to get a job in health law, was that most law firms represented hospitals and doctors and insurance companies, and they didn't represent patients at all. My first job was to get a job with a law firm representing hospitals. It was very shortly after that that I discovered the National Health Lawyers Association, to help me find the forest for the trees.

Dennis: What do you mean by that?

Marilou: I was very green. A partner would come in and give me an assignment, and I didn't understand the context that that legal question was being given. I didn't understand the industry. I didn't understand the broader legal environment. That's what the National Health Lawyers Association did for me. I went to their programs, their educational programs, and it helped fill in my lack of knowledge in many, many ways.

Dennis: You were in the NHLA to start off, right?

Marilou: I was a member. I was a young lawyer and I was in a law firm, so I was just a member. I went to programs, and then I started speaking in programs. I had a little expertise in Medicare reimbursement issues, and I started speaking at some of their educational programs. Then I was on the board of directors for the National Health Lawyers Association.

During that period of time, they started looking for a new executive vice president, so I applied. I had to resign my position from the board, and I applied for the job, and I got the job. Then I was here as the executive vice president for about nine and a half years.

Dennis: That's when it was the American Health Lawyers Association.

Marilou: No, it was the National Health Lawyers-

Dennis: Still? Okay.

American Health Lawyers Association

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- Marilou: ... Association in 1991, when it started. In about 1996, I was the CEO, and the elected president of the association and I, his name was Jim Hall, started reaching out to the American Academy of Healthcare Attorneys. About 18 months later, the two organizations merged and became the American Health Lawyers Association. I stayed on as the CEO for about two years after that.
- Dennis: Since we're talking about the merger, tell us about that. What was the impetus? What was the attraction?
- Marilou: The impetus had many factors. The biggest impetus, quite frankly, was attrition. There were three small organizations representing or trying to deliver educational programs and services to health lawyers. There was the National Health Lawyers Association, there was the American Academy of Hospital Attorneys, and there was the health law section of the American Bar Association. The health lawyers of America were split among these three organizations.
- It occurred to several of us that this did not make any sense, and that to secure our future, we should combine with at least one of those. What made sense was for the National Health Lawyers Association to combine with the American Academy of Hospital Attorneys, because NHLA was a free-standing organization and the other two were actually membership groups within the American Hospital Association or the American Bar Association. NHLA had the more robust corporate organizational structure to merge other organizations in.
- Dennis: How would you describe the result?
- Marilou: I think the result for members was wonderful. They no longer had to choose which organization had the better programs, had the better publications, was the one to join. They knew that there was one premier health lawyers association, and it was the American Health Lawyers Association then, so it made their choice easier.
- Dennis: I want to ask you about the NHLA. When you were the NHLA, I guess before the merger, the Clinton White House reached out.
- Marilou: Yes.
- Dennis: Tell me about that. That had to be an incredible experience.
- Marilou: That was an incredible experience. The Clinton White House, Hillary Clinton was heading up the Healthcare Task Force. They had numerous working groups of government people, industry people, working on various issues associated with their piece of legislation. There was a lot of talk about the employment of physicians by corporations to be able to deliver medicine in a more efficient manner.
- They didn't understand a little legal principle called the corporate practice of medicine, which is state law-based in most, or at least at that time, in most states in the United States. They reached out to NHLA and asked us for legal expertise to understand how it was that physicians were prohibited from being employed by for-profit corporations. We did a research paper for them and presented the paper to one of the working groups. It was very exciting.
- Dennis: You were involved in some of the efforts to recruit new members and diversify the association.
- Marilou: Yes.
- Dennis: Tell us about that and why that was an important priority.

- Marilou: When I started with NHLA, we were an individual membership association and had no membership director. One of the first hires that I made was to bring on Kerry Hoggard as our director of membership. She's still with the association today. With that, we brought a whole focus to making sure that we represented all health lawyers across the United States, and not just certain preferred law firms or certain preferred hospital systems or big insurance companies, but that we represented urban and rural, and all states, men, women, racial minorities, and young lawyers, so that they would feel like they had a place they could go to get the education and information that they needed, and to network and meet other lawyers, both young and old, that they could communicate with, get mentorship help from. That was an important effort for the association.
- Dennis: I'm looking in my notes because I think that you reached out the young lawyers and created kind of a farm system. Wasn't that right? Where young people came in and had an avenue to become involved on the board and that kind of thing?
- Marilou: No.
- Dennis: Okay.
- Marilou: That would not have been me.
- Dennis: Okay, all right. Strategic planning became a big issue for you.
- Marilou: Strategic planning was. When I came onboard, one of the first things we did when we got our financial feet on the ground was engage in the first strategic plan for the National Health Lawyers Association. It became a board effort, very involved, but we drafted the first mission statement. We drafted what is currently the mission statement for the association. It helped focus everybody on the work so that we had a plan and we carried through on that plan. I think it really benefited the association, and continues to benefit the association now, because it's a part of board activity to engage in strategic planning on a regular basis.
- Dennis: So you know what the mission is. There's no wavering and going off in different directions.
- Marilou: That's right.
- Dennis: The association started a public interest group when you were involved.
- Marilou: Yes.
- Dennis: Tell us about that.
- Marilou: We had a wonderful president at the time, Jim Hall, who was very involved in charitable work in his hometown of Oklahoma City. He asked what was Health Lawyers Association doing for people other than its members, than its dues-paying members. Everybody scratched their head and said, "Well, nothing." He said, "Well, we're a 501(c)3 organization. We need to be reaching out and providing what we can provide to benefit those who can't afford us, who don't know about us."
- We started the public interest committee. It was a committee of the board, and originated the first public interest projects. Now I think they're a very well established part of the association.
- Dennis: What were some of the first projects?

- Marilou: We did legal guides for health clinics that serve the poor. I'm trying to remember some others.
- Dennis: That's okay.
- Marilou: We reached out to veterans groups and provided legal counsel so that veterans groups could get healthcare when they returned.
- Dennis: You started ... The first website was created under your leadership.
- Marilou: Yes. The first website was created, and the first magazine was created. When I first came, we barely had computers on our desks. Email was something new. Through the strategic planning process, actually, we recognized that education and information was going to be exchanged electronically, and we started to put all of our publications online. We started to put our educational materials online and available electronically, for the convenience of the members.
- Dennis: You mentioned Jim Hall. In your audio interview, you describe Jim as a visionary.
- Marilou: He was.
- Dennis: Tell me why.
- Marilou: He was a wonderful man. He came from a very modest background in Oklahoma City, but was smart as a whip, went to Harvard Law School, and then went back to Oklahoma City and brought the experience that he had gained at these Ivy League institutions and just expanded everybody's horizons that he came in contact with. A nicer, more genuine person you would just never meet than Jim Hall.
- Dennis: You became the second CEO of the National Health Lawyers Association.
- Marilou: That's right.
- Dennis: You replaced David Greenberg.
- Marilou: I did.
- Dennis: Tell us what happened. What happened?
- Marilou: David was getting older, and I think with ... He had many friends on the board, and he spoke to them and expressed his desire to cut back on the amount of time and effort that he was expending. David had polio and suffered from that disability, and so traveling was difficult for him, and was getting increasingly difficult as he got older.
- The board I think helped him retire. He participated in the search that resulted in me being hired. He actually stayed here for several years after I was hired. He had an office down the hall from me, and would walk down occasionally just to let me know how I was doing.
- Dennis: How would you describe him? What kind of a guy?
- Marilou: David was very devoted to the association. He was very devoted to the board of directors, and many lawyers who were volunteering their time. He encouraged them. He gave them platforms for them to expand their careers, and he engendered the loyalty of many, many volunteers for this in the association. The lifeblood of this association is all of the volunteers who donate their

time to speak, to write, to chair public interest committees. He was like the grandfather to all of those volunteers, and they returned their love and affection to him.

Dennis: The organization as I understand, reading the transcripts and that kind of thing, was more informal under him, and you moved it into more of a professional arena, I think.

Marilou: That's right.

Dennis: How would you describe it?

Marilou: It was time. The association was growing, and it was time for it to become a more established and respected part of Washington, D.C., and for health lawyers across the country. I think the Health Reform Task Group that Hillary Clinton led added to that, because my coming onboard and the Clintons coming into office all happened about the same time. Health reform became something that was serious and needed a serious and rigorous legal look at it, not just a cottage industry anymore. Health became a big business starting in the 80s and 90s, and I think that the Health Lawyers Association mirrored that growth in big business attitude of the health industry.

Dennis: I think I read your transcript that when you took over there was only three months of funding for salaries at that point. You were running out of pay checks in three months, something like that, right?

Marilou: That's true, but that's probably not something I want on tape.

Dennis: You came into a financially struggling, in a way, organization, and had to get things on stable ground.

Marilou: Yes, but we were benefited by a wonderful staff who got to work and started to solve the operational issues. We had the fraud and abuse laws, which started to be enforced very vigorously. Our members were experts in the fraud and abuse laws, the Medicare and Medicaid fraud and abuse laws, so we started to put on conferences that were really unraveled in terms of how authoritative they were on the fraud and abuse laws. Our revenues started to recover.

Dennis: You worked on staffing issues. You hired a lot of new staff.

Marilou: Yes.

Dennis: Tell us about that.

Marilou: We hired a membership director, and we were lucky enough to hire an assistant executive vice president, and associate executive vice president, and chief financial officer. All of those things I think contributed to better operations for the association.

Dennis: It became more of a ... How would you describe it? Professional? How would you describe the kind of people in the organization?

Marilou: I think it became a respected and well-run business, and it was a business that understood through the strategic planning what its mission was. Its mission was to produce programs and information that its members needed so that they could be better health lawyers. We were all focused on the same goals, and we were not looking in a whole lot of different directions.

Dennis: Talk to me about the milestones in health law over the past decades. What were the milestones, the big moments?

- Marilou: I think big moments were all the changes in payment processes between the Medicare and Medicaid programs and hospitals and physicians. Managed care has been a huge milestone in health law. Antitrust enforcement and corporate mergers and acquisitions, in the 70s and 80s, literally every little town had a little hospital. Maybe it was a 10-bed hospital, and maybe it was a 100-bed hospital. They were mostly not-for-profit, some public, but in the 80s the mergers and acquisitions of hospitals, and the employment of physicians by those merging hospitals, really started to accelerate and brought in the need for health lawyers who were other than just malpractice lawyers, who understood corporate law, who understood antitrust law, who understood payment law, but also understood that hospitals and doctors were there to serve patients. They also understood about patients' rights. All of these different legal subspecialties came together and became health law.
- Dennis: How did the American Health Lawyers Association respond to that? How did their association deal with it?
- Marilou: They did something brilliant. They formed practice groups around these different subspecialties so that any lawyer could become a member of the association and be a health lawyer, but if most of their work was in medical staff issues, they could be a member of a medical staff practice group, and meet other lawyers who were doing what they were doing, and concentrate their time going to medical staff meetings and reading the medical staff publications. If they were antitrust lawyers, they could go to the antitrust practice group. If they were fraud and abuse lawyers, they could go to the fraud and abuse practice group. I think that's been a wonderful success story for the association, so that no matter what a particular specialty a health lawyer had, they could be a member of the association and yet concentrate on that specialty as well.
- Dennis: Just have to restart this camera. There we go. That's pretty cool. They were able to enhance their skills and knowledge about that specialty through these practice groups.
- Marilou: That's right.
- Dennis: Let's talk about the health association and its culture. How would you describe the culture of the American Health Lawyers Association?
- Marilou: It's a culture that's very welcoming, very willing to share knowledge, very willing to volunteer their time for the benefit of their colleagues, and very interested in preserving its non-partisan status, so that it doesn't take political sides. Sometimes that road is very difficult to tread, but provides legal expertise to enhance any policy goal. That's really the role of a lawyer, is to make sure that whatever the policy goal of a decision-maker is, that they understand all the legal repercussions of that policy goal.
- Dennis: That's pretty interesting in this time of such intense partisanship. It has to be a valuable commodity.
- Marilou: I think it is a valuable commodity, and I think as Washington, D.C. continues to struggle with the evolving health industry and reform of government health programs, that it will benefit those decision-makers.
- Dennis: On its 50th anniversary, what would you say the American Health Lawyers Association has accomplished, and what challenges does it face in the future?
- Marilou: I think the challenges it faces in the future is keeping up with change and the change its members are experiencing, and the change that its members are encountering with their clients,

their hospitals and physicians, managed care companies, health insurers, and patients. Dealing with that change is always going to be a challenge, but it's very well-positioned now. It's very strong in terms of its finances and its membership and its programs, and it will continue to attract young lawyers so that those young lawyers are the best health lawyers they can be.

Dennis: Are you sure you weren't involved with the farm system, because I have it written down here twice that you developed the system for attracting young talent and helping them move up.

Marilou: You know what that might have been a reference to? There had been a tradition that when we did a program on, say, tax law, that whoever was the chairman of that program would continue as the chairman of that program forever. When we did our strategic plan, we recognized that it was important that the leadership of those programs turned over so that new people had the opportunity to volunteer and lead the association on a volunteer basis. I think that it might be a reference to bringing in new volunteers into programs and writing opportunities so that there was room for everybody and not just a group of old white men lawyers. Please don't put that on tape, either.

Dennis: Okay. No, but the strength of ... I gather talking to various folks is that the strength of this organization is that you've diversified. You are very inclusive and reached out to all ideas and people from all kinds of backgrounds.

Marilou: Right. That's true. I think that some of the concentrated diversity took place under Peter's tenure, in terms of the diversity in the membership. I tried to diversify the leadership, but Peter and David now, who's the EVP, was very involved in diversifying at the membership level.

Dennis: That's all I have. If you'd like to add, do you have anything you'd like to say that I haven't asked you about, that you think's important?

Marilou: I hope everyone in the association, the members, the leaders, understand how important the staff is to helping them accomplish what they need to accomplish in the association. The staff who puts on the programs, who puts things on the website and on the Internet, who edit the publications and organize the meetings. The staff of the association are very professional. They work very hard, and they help the association accomplish what it needs to accomplish.

Dennis: All right.