



LASHLY & BAER, P.C.
ATTORNEYS AT LAW

MISSOURI

714 Locust Street
St. Louis, MO 63101-1699
TEL: (314) 621-2939
FAX: (314) 621-6844
www.lashlybaer.com

ILLINOIS

122 North Main Street
Edwardsville, IL 62025-1902
TEL: (618) 233-5587

Michael R. Barth

Attorney at Law

mbarth@lashlybaer.com

314-436-8382



Michael R. Barth is an experienced health care attorney, who provides outside counsel to health care organizations on a wide variety of topics including litigation, insurance, employment, privacy, risk management, regulatory, internal investigations, government investigations, and compliance issues. He vigorously defends professional licenses and other regulatory actions including controlled substances registrations and long-term care citations. Mike's health care law practice also includes defending medical malpractice and long-term care cases involving catastrophic injuries and wrongful death claims. Mike has tried cases to verdict on behalf of the nation's largest hospitals and health systems, physician's groups and nursing homes. Mike routinely counsels health care facilities who have experienced a crisis such as a contagious disease outbreak and guides them through the complexities of reporting requirements, media strategy, and crisis management.

Mike also provides counsel to physicians, hospitals and social workers on regulatory topics including EMTALA, HIPAA, Patient Safety and Quality Improvement Act, futile care and ethics as well as consent issues, surrogate decision making, advance directives, credentialing, and peer review. He has also led training for physicians and medical professionals on liability issues and mental health law. Mike has defended more than 250 professional licensures of health care providers and prosecuted more than 200 electroconvulsive therapy petitions and 50 guardianship petitions. Mike has collaborated with a large health care system on tracking organization-wide events and system event reporting to protect privileges in multiple jurisdictions.

Mike is a founding member of the firm's Health Care Advisory Team, a highly skilled team of cross-disciplinary attorneys assembled to meet the complex needs of health care clients in business, regulatory, and litigation matters. He has been selected by his peers for inclusion to *The Best Lawyers in America*® lists in the field of Health Care Law each year since 2021. The *Missouri & Kansas Super Lawyers* publication has named Mike a Super Lawyer for his work in Health Care Law each year since 2019. Mike also received the Up & Coming Lawyer award from *Missouri Lawyers Weekly* in 2010. He earned his J.D. from Saint Louis University School of Law where he also obtained a Health Law Certificate with honors. Mike also serves on the Board at Lashly & Baer, P.C. as Vice President of Associate and Paralegal Development.

Primary Practice Areas

- Health Care Litigation
- Professional Licensure
- Internal and Governmental Investigations
- Health Care Fraud and Abuse
- Medicare and Medicaid Audits and Appeals
- Health Care Regulatory Compliance
- Crisis Management
- Medical Malpractice
- Nursing Home and Long-Term Care Litigation
- Probate Litigation for Mental Health Matters
- Risk Management

Bar Admissions

- United States District Court, Eastern District of Missouri, 1999
- United States District Court, Southern District of Illinois, 2000
- Supreme Court of Missouri, 1999
- Supreme Court of Illinois, 2000

Education & Academic Honors

- J.D., Saint Louis University, 1999
Health Law Certificate *with honors*
- B.A., English and History, University of Illinois, 1996
Illinois State Scholar, Dean's List for three semesters

Professional Associations

- American Health Law Association
- St. Louis Area Health Lawyers Association
- The Missouri Bar
- Bar Association of Metropolitan St. Louis
- American Bar Association
- DRI, Defense Research Institute

Presentations & Legal Publications

- *How to Respond to State Licensure Actions: Do's and Don'ts*, HFMA Heartland Spring Conference, April, 2019
- *Guardianship and Involuntary Commitment for Eating Disorders*, Saint Louis University School of Medicine, Department of Adolescent Medicine, 2016
- *Guardianship Law and Practice*, Saint Louis University School of Medicine, Department of Internal Medicine, 2014

- *Risk Management Investigations: Navigating the Applicable Privileges*, St. Louis Association of Healthcare Risk Managers, 2011
- *Legal Issues for Psychiatrists*, Saint Louis University School of Medicine, Department of Psychiatry, 2011
- *Legal Issues for Nurses*, nursing program guest lecturer, Jefferson College, 2008 – 2011
- *Ex Parte Communications with Health Care Providers*, Williams Venker & Sanders Associate Training Seminar, 2009
- *Medical Malpractice Litigation Basics*, Forest Park Hospital, 2008
- *Joint and Several Liability and Related Issues in Missouri and Illinois*, AIG Healthcare, Chicago, IL, 2008
- *Guardianship Process and Procedure*, Social Worker Training, Saint Louis University Hospital, 2007
- *Medical Malpractice Liability for EMTs*, EMS Continuing Education, Lincoln County Ambulance District, 2007
- *Legal Process of Court-Ordered Electroconvulsive Therapy*, Psychiatry Grand Rounds, Saint Louis University School of Medicine, 2007
- *Navigating the Legal Guardianship Process*, Ethics for Lunch, Saint Louis University Hospital and Saint Louis University School of Medicine, 2006
- *"Illinois Courts Expand Liability Against Physicians and HMOs,"* The MedLaw Update, Michael R. Barth and Phillip L. Willman, 2000

Representative Cases & Matters

- Obtained summary judgment in a class action case involving physician over billing, upheld by the Missouri Supreme Court
- Guided large professional organization through data breach and complex coverage issues after insurance carrier attempted to deny coverage
- Successfully resolved a case claiming negligence in post-operative monitoring resulting in debilitating and lifelong injuries
- Successfully resolved a case involving lack of timely diagnosis leading to catastrophic injuries in a young mother
- Won a defense verdict in a case involving a failure to timely diagnose a retroperitoneal bleed following a cardiac catheterization allegedly resulting in permanent disabilities
- Won a defense verdict representing academic physician practice and doctor in failure to diagnose cancer
- Successfully defended a case of alleged negligent credentialing of physician
- Advised assisted living facility through surrogate decision making of a resident involving allegations of improper restrictions of visitors with litigation between family members
- Successfully resolved matter with the Bureau of Narcotics and Dangerous Drugs involving alleged diversion of opioid prescriptions
- Guided long-term care facility through Legionella outbreak including reporting to public health agencies, retention of medical expert, disclosure to residents and family members, media strategy, and communications plan.

Community Service & Awards

- *The Best Lawyers in America*®
Health Care Law – 2021 - Present
- *Missouri & Kansas Super Lawyers*
Health Care Law, 2019 - Present
- St. Andrew's Senior Solutions
Board Member, 2019 - Present
- *Missouri Lawyers Weekly*
Up and Coming Lawyer, 2010
- Appointed to committee that drafted all HIPAA compliant authorizations adopted by the Missouri 22nd Judicial Circuit, 2003

Employment History

- Lashly & Baer, P.C.
Member, 2017 – Present
Board Member, 2022 - Present
- Williams, Venker & Sanders, LLC
Partner, 2008 - 2017
Associate, 2001 - 2008
- Sandberg Phoenix & Von Gontard, P.C.
Associate, 2001
- Moser & Marsalek, P.C.
Associate, 1999 - 2001
- Schlichter, Bogard & Denton, LLP
Law Clerk, 1997 - 1999
- U.S. Attorney's Office, Eastern District of Missouri
Law Clerk, Summer 1997 and Fall 1998