



**Mark Rust, a healthcare industry veteran who served for years in firm management, delivered a distinctly unique perspective on the transactional, regulatory and medical-legal issues affecting healthcare entities and provider organizations.**

The former chair of the firm's national Healthcare industry practice, Mark has practiced in or written about healthcare law in publications such as the Journal of the American Bar Association and USA Today, among many others, for nearly 40 years. He was listed as a notable healthcare lawyer in Chambers USA, Top Healthcare Lawyers of Illinois, Illinois Super Lawyers and The Best Lawyers in America.

Mark has represented hospitals and hospital-physician joint ventures, multi-specialty clinics, large radiology, anesthesiology and cardiology groups, medical staffs, healthcare management companies and managed care organizations, including provider-sponsored insurance companies and HMOs. He routinely was engaged to advise on mergers and acquisitions, contract formation and negotiation, and regulatory issues.

In addition to federal fraud and abuse, Stark analysis and state healthcare regulation, Mark focused on the application of ERISA pre-emption to the healthcare field. He and his firm appeared before the U.S. Supreme Court in *Rush Prudential v. Moran*, 536 U.S. 355 (2002), successfully arguing, for the first time, how the relationship between providers, patients, managed care and state regulation should work under the federal law known as ERISA. Mark was also counsel of record on behalf of the American Medical Association and 50 state medical societies on the same topic before the Supreme Court the following year in *Kentucky v. Miller*, 538 U.S. 329 (2003). In connection with his formation and representation of startup Illinois insurer Land of Lincoln Health, formed with funds under the Affordable Care Act, Mark and his firm fought, and beat, the United States government in a payment dispute ultimately resolved after briefing and argument in the U.S. Supreme Court (*Maine Community Health Options, Monida Health and Land of Lincoln Health v. United States*, 590 U.S. \_\_\_\_ (2020)), Slip Op. 18-1038).

Mark's practice involved, as well, the ongoing analysis of antitrust issues

## Mark E. Rust

Of Counsel (Retired)

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### EDUCATION

University of Notre Dame, (B.A.), 1981

Loyola University Chicago School of Law, (J.D.), 1989

### BAR ADMISSIONS

Illinois

### COURT ADMISSIONS

U.S. Court of Appeals for the Eleventh Circuit

U.S. Court of Appeals for the Fifth Circuit

U.S. Court of Appeals for the Seventh Circuit

U.S. Supreme Court

### LANGUAGES

English

in healthcare; for Thomson Reuters Publishing he has re-written and updated the chapter on Antitrust for *The Law of Medical Practice* in Illinois, Fourth Edition. In addition, Mark has appeared before the U.S. Congress and several state legislatures providing testimony on healthcare delivery and managed care.

At his best when faced with complex problems, Mark drew upon his creativity and experience to find a clear path to resolution by providing legal advice that is both practical and actionable. Mark's diligence, preparation and clear understanding of client objectives at the onset of representation allowed him to offer advice that is not only on point, but also seeks to conserve his client's time and resources. Mark was appreciated by clients and colleagues alike for his intelligence, skill in and understanding of healthcare law, and for his flexibility in adapting to and leveraging myriad positions and outlooks.

Prior to the law, Mark began his career as an investigative reporter. Notably, he served as the former national legal affairs reporter and business editor for the American Medical News (1983-1989), which led him to his career as a healthcare lawyer. A charismatic presenter and devoted educator, Mark frequently served as an invited guest and keynote speaker on healthcare related topics, including the challenges associated with the federal government's inability to identify a consistent path toward regulation and reimbursement.

## **Professional and Community Involvement**

Member, Economic Club of Chicago

Past chair, Better Government Association (BGA) of Chicago, Cook County and Illinois

Founding board member, Regional Alliance for Growth of northwestern Indiana, Chicago and Milwaukee

Past chair, Health Law Section, Illinois State Bar Association

Past chair, Health Law Committee, Chicago Bar Association

Past chair, American Bar Association Tort and Insurance Practice Section's Medicine and Law Committee

## **Honors**

Illinois Super Lawyers, 2005-2022

The Best Lawyers in America, 2007-2024

Chambers USA, 2009-2023

National Law Journal Health Care/Life Sciences Trailblazers, 2021