ArentFox Schiff LLP
Attorneys

Lowell C. Brown

COUNSEL

Lowell is widely recognized as one of California's pre-eminent medical staff lawyers, with a Chambers Band 1 rating. Lowell's long experience counseling health care providers includes practitioner credentialing, peer review, disciplinary hearings, and regulatory matters.



Industries

Health Care
— Federal & State Health Policy
— Government Investigations
— Home Health, Hospice & Palliative Care
— Hospitals & Health Systems
— Medical Staff Counseling & Peer Review
Long Term Care & Senior Living

Practices

Privacy & Data Security

Education

University of Utah School of Law, JD, Topics Editor, Utah Law Review, 1982

University of Utah, BA, magna cum laude, Student body president, 1979

Offices	Phone	Email
Los Angeles	213.443.7516	lowell.brown@afslaw.com
San Francisco	415.805.7977	

In addition to his medical staff practice, Lowell is a health care operations lawyer, with nearly 40 years' experience in the world of hospitals and medical providers. During that time he has helped his provider clients achieve success in a wide range of business, regulatory, and medico-legal matters. He counsels them on Medicare certification and termination actions, federal program integrity concerns, licensing and accreditation issues, and related policy challenges.

Client Work

Lowell is a nationally recognized and widely published authority on EMTALA — the federal law prohibiting improper emergency patient transfers by hospitals ("patient-dumping"). He also has extensive experience defending clients against actions by the Centers for Medicare and Medicaid Services (CMS) to terminate Medicare provider agreements, and has appeared in federal trial and appellate courts on behalf of clients challenging such actions.

Lowell's practice also encompasses health care-related operational issues such as bioethics, medical records, and consent and confidentiality. His experience in the foregoing areas includes litigation in California and federal courts, where he has appeared on behalf of provider clients in such matters as competency hearings; petitions for authorization to perform surgery for patients lacking capacity; and opposition to motions seeking access to confidential substance abuse treatment records.

Lowell has been recognized as a "highly regarded regulatory lawyer [with a] strong reputation for his representation of nonprofits, hospitals and health systems, advising on matters such as peer review, licensing and disputes" by *Chambers USA.*

Previous Work

Prior to joining Arent Fox, Lowell was a partner for 16 years at a large international law firm, where he served in a number of leadership positions within the health law department.

Lowell has served as legal counsel in a number of landmark California Supreme Court and Court of Appeal decisions involving peer review issues. Among many others, these decisions include:

- the first California appellate court decision to construe California's peer review statute, Business and Professions Code Section 809; a key California decision regarding Evidence Code privileges in medical staff peer review cases; and
- a precedent-setting California decision on the doctrine of exhaustion of administrative remedies.

Professional Activities

Lowell currently serves as Adjunct Instructor of Health Law in the Master of Health Administration Program, David Eccles School of Business at the University of Utah. He also has been an assistant adjunct professor at the University of Southern California. He is an active member of a number of health care organizations, including the California Association Medical Staff Services (CAMSS).

Among other positions, Lowell has served as chair of the Accreditation, Licensure and Certification Interest Group of the American Bar Association's Health Law Section; as president of the California Society for Healthcare Attorneys; and in several capacities in the American Health Lawyers Association.

He formerly served as chair of the executive committee of the Health Care Law Section of the Los Angeles County Bar Association, as well as on the Institutional Review Board and Bio-Medical Ethics Committee of a major Los Angeles County general acute care hospital. Lowell also served for many years as a member of *BNA*'s Health Care Law Advisory Board.

Community Service

Lowell is a member of the Board of Trustees of the S.J. Quinney College of Law at the University of Utah. He is also a member of the board of directors of the Venice Family Clinic and served for many years on the executive board of the Western Los Angeles County Council, Boy Scouts of America. Lowell has received the BSA's Silver Beaver Award.

Publications, Presentations & Recognitions

In 2019, Lowell was recognized by the *Daily Journal* as a Top Health Care Lawyer. Lowell has received the *Martindale-Hubbell* AV Preeminent rating, and has been continuously selected for inclusion in *The Best Lawyers in America®*, *Legal 500,* and *Super Lawyers*. He was also rated as one of the top health care attorneys in the state of California in 2007-2009, 2012-2020, and 2022-2023 by *Chambers USA*.

Lowell's presentations and articles include:

- "USA – California: Trends & Developments," *Chambers Global Practice Guides, Healthcare AI 2025,* August 6, 2025
- The Institute for Medical Leadership 2025 Chief of Staff Boot Camp, Los Angeles, CA, February 28, 2025
- The New World of Employed Physicians, Foundations, Exclusive Services, and Unions, 2024 Medical Staff Leaders and the Law Conference, Costa Mesa, CA, April 12, 2024
- "Our Dangerously Overburdened Medical Staff Peer Review Hearings," *Daily Journal*, July 5, 2023
- 2021 Medical Staff Leaders and the Law Conference, Virtual, March 5, 2021
- Community Medical Centers Medical Staff Leadership Educational Conference, Virtual, February 20, 2021
- The Institute for Medical Leadership 2021 Chief of Staff Boot Camp, Virtual, February 19-20, 2021
- 2020 Medical Staff Leaders and the Law Conference, Costa Mesa, CA, February 28, 2020 and San Francisco, CA, March 6, 2020
- California Association of Medical Staff Services Long Beach Chapter 21st Annual Education

Conference, Torrance, CA, October 18, 2019

- 2019 Medical Staff Leaders and the Law Conference, Costa Mesa, CA, February 1, 2019 and San Francisco, CA, March 1, 2019
- Community Medical Centers Medical Staff Leadership Educational Conference, January 12, 2019
- California Association of Medical Staff Services Long Beach Chapter 20th Annual Education Conference, Torrance, CA, October 26, 2018
- 2018 Medical Staff Leaders and the Law Conference, Costa Mesa, CA, February 2, 2018 and San Francisco, CA, March 2, 2018
- California Association of Medical Staff Services Long Beach Chapter 19th Annual Education Conference, Torrance, CA, October 20, 2017
- 2017 Medical Staff Leaders and the Law Conference, Costa Mesa, CA, February 3, 2017 and San Francisco, CA, March 10, 2017
- California Association of Medical Staff Services Long Beach Chapter 18th Annual Education Conference, Torrance, CA, October 14, 2016
- California Association of Medical Staff Services 45th Annual Education Conference, Anaheim, CA, May 19, 2016
- "Hospital Medical Staff Members: Reconciling Peer Review and HIPAA ," *BNA's Health Law Reporter*, April 16, 2015
- "Hospital/Physician Alignment, Health IT Top List of Health Law Issues for 2015 ," *BNA's Health Law Reporter*, January 8, 2015
- "Michalski v. Scripps Mercy Hospital: A Win for Both Peer Reviewers and Hospital Boards ," *California Healthcare New*s, February 1, 2014
- National Association Medical Staff Services (NAMSS) 37th Educational Conference, Hollywood, FL, September 25, 2013
- "Responding to Disruptive Practitioners: Pitfalls and Tips ," *BNA's Health Law Reporter,* June 13, 2013
- Healthcare Real Estate West 4th Annual Interface, Los Angeles, CA, March 20, 2013
- CAMSS San Diego/Orange County Joint Education Conference, La Jolla, CA, March 15, 2013
- "The Growing Crisis in Medical Staff Peer Review Law," *Daily Journal*, February 23, 2011
- California Association of Medical Staff Services 11th Annual Education Conference, Torrance, CA; October 16, 2009
- "A Rose by Any Other Name: The Perils of the Precautionary Suspension – Don't Be Fooled!" *Health Lawyers Weekly*, December 12, 2008, Vol. VI Issue 47, co-author
- California Association of Medical Staff Services 10th Annual Education Conference, Torrance, CA, October 17, 2008
- "*Kadlec*: Federal Appeals Court Clarifies Hospital Duties in Disclosing Peer Review Information," *Arent Fox Client Alert,* May 14, 2007, co-author
- "New California Statute AB 632 Could Weaken California's Well Established Medical Staff Peer Review Process," *Arent Fox Client Alert,* Nov. 7, 2007, co-author
- "Joining Medical Staff Peer Review With Compliance: Coordination, Not Collision." Health Care Compliance Association Quality of Care Compliance Conference, Philadelphia, PA, October 2, 2007 (with Shannon Dwyer, Esq.)
- "Call Panels and the EMTALA Final Rule: What's Next for Providers?" *Journal of Health Care Compliance* 6, 2004 (pp.14-17)
- "The New EMTALA Regulations: Implications of a Different Era," *The Health Lawyer*, American Bar Association Health Law Section, 15.04, July 2003 (with Julie Mathis Nelson)
- Lowell C. Brown, Shirley J. Paine, & Robyn A. Meinhardt, *The Emergency Medical Treatment and Active Labor Act: Practical Tips and Legal Issue*s (BNA's Health L. & Bus. Series No. 2900)
- "Peer Review Confidentiality: It's Not Just Important — It's Critical." *CAHHS Insight*, March/April 1993

Lowell's representative published cases include the following *amicus* letters and briefs:

- *Fahlen v. Sutter Central Valley Hospitals*, (2014) 58 Cal. 4th 655. Filed in California Supreme Court on behalf of the California Hospital Association in support of petitioner Sutter Central Valley Hospitals.
- *Shaw v. Superior Court* (2014) 229 Cal. App. 4th 12. Filed in California Supreme Court on behalf of the California Hospital Association in support of petitioner THC-Orange County.
- *Michalski v. Scripps Mercy Hospital* (2013), 221 Cal. App. 4th 1033. Counsel for Scripps Mercy Hospital.
- *El-Attar v. Hollywood Presbyterian Medical Center* (2013), 56 Cal. 4th 976. Filed in California Supreme Court on behalf of St. Joseph Health System in support of petitioner Hollywood Presbyterian Medical Center.
- *Smith v. Selma Community Hospital* (2008) 162 Cal.App.4th 1478. Filed on behalf of St. Joseph Health System in support of Selma Community Hospital requesting the court grant the case on review.
- *Mileikowsky v. West Hills Hospital Medical Center* (2007) 154 Cal.App.4th 752. Filed in California Supreme Court on behalf of the California Hospital Association in support of petitioner, West Hills Hospital Medical Center.
- *Mileikowsky v. West Hills Hospital Medical Center, etc., et al*. Supreme Court Case No. S156986. Filed in California Supreme Court on behalf of Kaiser Foundation Hospital, Kaiser Foundation Health Plan, The Permanente Medical Group and the Southern Permanente Medical Group in support of West Hills Hospital Medical Center.
- *Kibler v. Northern Inyo County Local Hospital District* (2006) 39 Cal.4th 192. Filed in California Supreme Court on behalf of the California Hospital Association in support of Northern Inyo County Local Hospital District requesting the court grant the case on review.
- *Potvin v. Metropolitan Life Ins. Co.* (2000) 22 Cal.4th 1060. Filed in Court of Appeal on behalf of the California Association of Health Plans and the Association of California Life and Health Insurance Companies in support of Metropolitan Life Insurance Company.
- *Mir v. Charter Suburban Hospital* (1994) 27 Cal.App.4th 1471. Counsel for Charter Suburban Hospital.
- *Scripps Memorial Hospital v. Superior Court* (1995) 37 Cal.App.4th 1720. Counsel for Scripps Memorial Hospital.
- *Bollengier v. Doctors Medical Center* (1990) 222 Cal.App.3d 1115. Counsel for Doctors Medical Center.

Life Beyond the Law

Lowell spends as much of his time as possible with his wife, Sonja, and his three children. He loves intercollegiate sports and closely follows the fortunes of his beloved University of Utah Utes. He's always happy when reading one of the works of Charles Dickens or watching the Dodgers play.

Bar Admissions

California

Court Admissions

US Court of Appeals, 9th Circuit

US District Court, Central District of California