



Hospice Services

Bricker & Eckler attorneys are well versed in Medicare hospice program requirements. Many bring firsthand regulatory and compliance experience to their understanding of the unique and complex policy, regulatory and business issues faced by hospice providers. We routinely advise clients on the Medicare Conditions of Participation and other federal and state requirements that impact hospice operations.

▶ Compliance

We provide practical guidance on compliance practices and regulatory pitfalls.

- Development and implementation of corporate compliance programs
- HIPAA data privacy and security, including breach investigations and remediation
- Hospice quality reporting requirements
- Compliance issues related to hospice marketing, sales strategy and joint branding
- Tax-exempt status requirements
- Self-disclosures and adherence to the applicable protocol for notifying the appropriate governmental, oversight or accreditation agency about an issue of potential noncompliance

▶ Regulatory

We counsel clients on how to comply with federal and state regulations governing hospice providers.

- Medicare and Medicaid licensure, certification and standards of care
- Medicare, Medicaid and third party billing, collections and accounts receivable regulations

- Fraud and abuse investigations
- Federal and state anti-kickback laws and Stark regulation
- Self-reporting of overpayments and regulatory violations to government agencies

▶ Business Operations and Staffing

Hospice providers of all types depend on us to help them structure transactions that are consistent with their business strategies and in alignment with state and federal regulations.

- Mergers, acquisitions and joint ventures
- Medical director and employed physician contracts and governance documents
- Operational policies and procedures
- Membership substitutions
- Evaluation of purchases of home health agencies
- Capital financing, including taxable and tax-exempt revenue bond and HUD loans
- Structuring arrangements with skilled nursing facilities, including allocation of staffing resources, contractual requirements and Joint Commission requirements

▶ Representative Experience

Payment issues

Assisted and advised hospice clients with respect to hospice physician compensation methodologies, including productivity incentive compensation, call coverage and medico-administrative services. Analyzed applicable Stark law and anti-kickback issues with respect to the same.

Physician compensation methodology

Assisted hospice client, advising on all aspects of the restructuring of its physician compensation methodology to address the client's unique needs, including compensation of physicians who provide care in various home and inpatient settings.

Mergers, acquisitions and affiliations

Served as transaction counsel to several hospice clients in connection with their acquisition of (or acquisition by) other hospice organizations via merger or other affiliation, including the drafting, negotiation,

and structuring of pertinent transaction documents and compliance with application regulation notices and filings.

Hospice inpatient unit located in general acute care hospital

Helped hospices client establish and operate inpatient hospice units within existing general acute care hospital facilities, including negotiation and drafting of lease agreements and all support and ancillary agreements.

Internal audit

Assisted hospice client with internal compliance issues, identified by voluntary audit, related to general inpatient (GIP) eligibility and billing. We also recolved issues related to separately billable physician visits for Medicare Part A facilities for established hospice patients.

▶ Team Members



Shannon K. DeBra
Of Counsel
513.870.6685
sdebra@bricker.com



Joshua M. Gilbert
Associate
614.227.7736
jgilbert@bricker.com



Kevin M. Hilvert
Partner
614.227.2398
khilvert@bricker.com



Elizabeth A. Kastner
Partner
614.227.8852
ekastner@bricker.com



Stephen R. Kleinman
Partner
614.227.2329
skleinman@bricker.com



Avery Schumacher
Associate
614.227.2309
aschumacher@bricker.com

At the center of health care law
for over 40 years.



Bricker & Eckler LLP
100 South Third Street
Columbus, OH 43215
www.bricker.com