

HEALTHCARE

In times of rapid change, health care providers across New York State turn to Hodgson Russ to help them navigate the increasingly complex federal and state rules governing the delivery, financing, and regulation of health care services.

Our Healthcare Practice attorneys provide counsel to a wide range of health care providers, including hospitals, skilled nursing facilities, assisted living providers, home health agencies, hospices, clinics, ambulatory surgery centers, behavioral health providers, clinical laboratories, pharmacies, and individual practitioners. We represent nonprofit, for-profit, and public health care organizations, including some of the largest hospital systems in New York State. We assist with corporate, transactional, regulatory, reimbursement, compliance, enforcement, and litigation matters. With a broad understanding of the New York regulatory landscape, we help clients anticipate and respond to the increasingly complex rules governing the delivery, financing, and regulation of health care services.

Using a multidisciplinary approach, our Healthcare Practice attorneys work with attorneys in other key practice areas, including corporate, real estate, finance, tax, labor and employment, bankruptcy, immigration, intellectual property, and litigation, to offer health care providers the coordinated and informed counsel they need to meet their legal challenges.

Hodgson Russ has been awarded a prestigious “Best Law Firms” National Tier 2 ranking by *Best Lawyers/U.S. News & World Report* in the Health Care Law category. Our Healthcare Practice is recognized by *Chambers USA: America’s Leading Lawyers for Business*.

Hodgson Russ represents nonprofit, for-profit, and public health care organizations, including some of the largest hospital systems in New York State.



With decades of experience assisting health care clients throughout New York State, our attorneys have a thorough understanding of New York's complex regulatory landscape.



Audits, Investigations, and Appeals

We represent health care providers in Medicare and Medicaid audits, investigations, and appeals, including Medicare appeals before the Provider Reimbursement Review Board. We also represent health care providers in government investigations and enforcement proceedings before the New York State Department of Health, Office of the Medicaid Inspector General, and Medicaid Fraud Control Unit; the Health and Human Services Office of Inspector General and Centers for Medicare and Medicaid Services; and the U.S. Department of Justice.

Health Care Litigation and Dispute Resolution

Hodgson Russ represents health care providers in federal and state court litigation, administrative challenges to governmental action, and arbitration proceedings with managed care organizations.

Health Care Mergers, Acquisitions, and Joint Ventures

We structure health care mergers, acquisitions, reorganizations, and joint ventures. We advise on the application of New York's certificate of need requirements to proposed combinations. Our attorneys also provide guidance on antitrust, corporate, regulatory, and tax issues.

Health Care Transactions, Operations, and Contracts

We advise health care providers on contracting and corporate structuring issues and assist providers with analyzing and negotiating managed care contracts and forming independent practice associations

(IPAs). We counsel clients on issues related to fraud and abuse, including the physician self-referral law (Stark) and the anti-kickback statute.

Health Care Reform

Hodgson Russ assists health care providers in responding to health care reform initiatives, such as the delivery system reform incentive payment (DSRIP) program, accountable care organizations (ACOs), and health homes. We also provide guidance on accessing reimbursement incentives (such as Medicaid Redesign Team (MRT) initiatives).

HIPAA and Privacy Issues

Our attorneys advise and represent covered entities and business associates on privacy matters under the Health Insurance Portability and Accountability Act (HIPAA), the federal rules governing the confidentiality of substance abuse treatment services, and New York State confidentiality laws. We assist providers in negotiating contractual relationships and managing privacy breaches and breach notifications.

Licensure, Certification, and Surveys

We represent skilled nursing facilities challenging survey deficiencies through the informal dispute resolution (IDR and independent IDR) processes and administrative appeals to the Departmental Appeals Board of the U.S. Department of Health and Human Services.

Medicare, Medicaid, and Other Reimbursement Issues

We advise health care providers on Medicare and Medicaid billing and reimbursement issues and assist them in analyzing the reimbursement consequences of alternative business structures. We represent providers in Medicare and

Medicaid audits and appeals, including Medicare appeals before the Provider Reimbursement Review Board.

Nonprofit Organization and Governance Issues

We advise nonprofit health care boards on best practices in corporate governance and regulatory compliance. Our attorneys assist in the development of charters and bylaws and the formulation of compliance policies. We also assist in conducting internal investigations relating to potential compliance violations, including whistleblower allegations, and in responding to inquiries from governmental agencies.

Physicians, Licensed Professionals, and Group Practice Issues

We negotiate the purchase and sale of physician practices and advise on physician recruitment issues. Our attorneys prepare contracts to comply with fraud and abuse, IRS, and other applicable guidelines. We advise facility administration, physicians, and other licensed professionals on contract negotiations, third-party payor reimbursement, purchases and sales of assets, and medical staff credentialing and disciplinary issues. We represent physicians and other licensed health care professionals in disciplinary proceedings before their respective licensing boards.

Regulatory Compliance

We counsel providers in the development, implementation, review, and revision of their compliance programs, which are mandatory in New York under Social Services Law § 363-d and 18 NYCRR Part 521. We provide guidance on internal audit and monitoring, risk assessment, and corrective measures, such as self-disclosure, employee discipline, and enhanced training. We advise clients on privacy matters under federal and New York State laws and on issues related to fraud and abuse, including the physician self-referral law (Stark) and the anti-kickback statute.

CONTACT

David Stark

716.848.1369

dstark@hodgsonruss.com

PROFESSIONALS

ATTORNEYS

Christine Bonaguide

David Bradley

Jane Bello Burke

Matthew Cameron

Roopa Chakkappan

Madeline Cook

Glen Doherty

Reena Dutta

Joshua Feinstein

Peter Godfrey

Charles H. Kaplan

Michelle Merola

Matthew Scherer

Gary Schober

David Stark

Hodgson Russ has been awarded a prestigious "Best Law Firms" National Tier 2 ranking by Best Lawyers/U.S. News & World Report in the Health Care Law category.





OFFICES

ALBANY • 677 Broadway, Suite 401 • Albany, NY 12207 • 518.465.2333

BUFFALO • The Guaranty Building • 140 Pearl Street, Suite 100 • Buffalo, NY 14202 • 716.856.4000

HACKENSACK • 25 Main Street, Suite 605 • Hackensack, NJ 07601 • 212.751.4300

GREENSBORO • 7 Corporate Center Court, Suite B • Greensboro, NC 27408 • 336.271.4014

NEW YORK • 605 Third Avenue, Suite 2300 • New York, NY 10158 • 212.751.4300

PALM BEACH • 440 Royal Palm Way, Suite 202 • Palm Beach, FL 33480 • 561.656.8608

ROCHESTER • 90 Linden Oaks, Suite 110 • Rochester, NY 14625 • 585.613.3939

• 1800 Bausch and Lomb Place • Rochester, NY 14604 • 585.454.0700

SARATOGA SPRINGS • 60 Railroad Place, Suite 300 • Saratoga Springs, NY 12866 • 518.736.2900

TORONTO • 22 Adelaide Street West, Suite 2050 • Toronto, ON M5H 4E3 Canada • 416.595.5100

Practice restricted to U.S. law



www.hodgsonruss.com

©2024 Hodgson Russ LLP