

HOME CARE

In times of rapid change, home 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 home health care services.

Our Home Health Care Practice attorneys provide counsel to multiple home care agencies with respect to:

- corporate
- transactional
- regulatory
- reimbursement
- compliance
- wage and hour
- wage parity enforcement
- 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 industry. Hodgson Russ has been awarded a prestigious “Best Law Firms” National Tier ranking by *Best Lawyers/U.S. News & World Report* in the Health Care category.

Audits, Investigations, and Appeals

We represent home care providers in Medicare and Medicaid audits, investigations, and appeals government investigations and enforcement proceedings before the following:

- New York State Department of Health,
- Office of the Medicaid Inspector General
- Medicaid Fraud Control Unit
- Health and Human Services Office of Inspector General
- Centers for Medicare and Medicaid Services
- U.S. Department of Justice



Hodgson Russ is New York State's leading law firm for home care.





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.



Health Care Litigation and Dispute Resolution

Hodgson Russ represents home 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.

Wage Parity

Hodgson Russ represents home care providers in OMIG audits challenging compliance with Wage Parity Law. We assist clients with self-audits and compliance questions relating to Wage Parity, including the development of compliant Wage Parity plans.

CDPAP

We advise fiscal intermediaries concerning establishment of CDPAP and the enrollment of consumers and personal assistants, negotiation of MLTC contracts and rates with managed care organizations, preparation of necessary policies and procedures for the CDPAP, and compliance with Wage Parity requirements for fiscal intermediaries.

Wage and Hour Compliance

We represent home care providers in federal and New York Department of Labor audits and wage and hour lawsuits. Hodgson Russ attorneys also assist home care providers in doing self-audits to ensure their compensation practices comply with complex wage and hour laws, including the Domestic Workers' Bill of Rights, spread of hours, split shift, call-in pay, and travel time.

Labor and Employment

Hodgson Russ attorneys advise home care providers concerning all aspects of their labor relations, including:

- union avoidance and collective bargaining agreements,
- paid family leave and other leave laws applicable to employees,
- reasonable accommodation for employees with disabilities,
- immigration compliance, workers' compensation mitigation,
- unemployment insurance claims,
- wrongful terminations,
- noncompetition and confidentiality obligations for employees,
- recruitment and hiring

Health Care Transactions, Operations, and Contracts

We advise home 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 home care providers in responding to health care reform initiatives, such as the delivery system reform incentive payment (DSRIP) program, and accountable care organizations (ACOs). 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.

Medicare, Medicaid, and Other Reimbursement Issues

We advise home 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.

Real Estate

Our attorneys represent home care agencies in drafting and negotiating commercial leases for office space, managing tax credits, representing borrowers and lenders in financing matters related to real estate; securing regulatory approvals for and providing representation after completion of construction, including on leasing, refinancing, and sales.

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Practice restricted to U.S. law