

Hospice Insights: The Law and Beyond



Episode 1: Your Hospice Team Has a New Home

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Introduction: Hello! Welcome to Hospice Insights – The Law and Beyond, where we connect you to what matters in the ever-changing world of hospice and palliative care. In this episode, your hospice team discusses the exciting opportunities resulting from their move to a new law firm, Husch Blackwell. Their new home enhances their ability to provide wide-ranging and value-added counsel and problem-solving to hospices facing audits, surveys, enforcement activity, litigation and regulatory concerns. It also augments their hospice expertise in areas like Medicare Advantage, joint ventures, mergers, affiliations, ACO contracting and alternative payment models. The team is excited to grow with their clients and make a positive contribution to the hospice community.

Meg Pekarske: Thank you so much for joining us. I'm Meg Pekarske, Chair of the Hospice and Palliative Care practice here at Husch Blackwell, and our first episode here is to share with you the exciting news about our new home. We moved our practice – our hospice practice – over to Husch Blackwell. So we wanted to share with all of our listeners a little bit more about Husch Blackwell and the opportunities for both us and, importantly, our hospice clients.

Bryan Nowicki: This is Bryan Nowicki. I've done a number of podcasts with Meg and I'm so glad we can continue this. And as Meg said, we have our team in place over here. So there's Meg, there's me and go ahead, Erin.

Erin Burns: My name is Erin Burns. I am an associate in the Hospice and Palliative Care practice group. I've worked with Meg and Bryan now and I truly enjoy working with hospice clients, so I'm excited about continuing that here at Husch Blackwell.

Meg Pekarske: Yes, and Andrew Brenton is here too.

Andrew Brenton: Hello, yup, Andrew, also an associate working in the hospice team with Meg, Bryan and Erin. As everyone has said now, we're very, very excited to be over here at Husch.

Meg Pekarske: Yeah.

Andrew Brenton: To keep working with our hospice clients to develop our practice and, yeah, great opportunity.

Bryan Nowicki: So Meg, you and I have talked a lot about a potential move and the importance of making sure it's a move that works for our clients.

Meg Pekarske: Mm-hmm.

Bryan Nowicki: That was really the top priority list, so you and I know all about the ins and outs of those discussions, but why don't you describe what those discussions were about and how you think this move is going to affect ...

Meg Pekarske: Yeah, so in our group, similar to what you all do as hospices, you're not just focused on today, but you're focused on tomorrow and five years from now, and I really feel like the hospice industry is changing pretty dramatically day to day, but also in five years, I think hospice is going to look a lot different and it, you know, we can talk more in future podcasts about how it's going to look different with Medicare Advantage and different joint venture and merger opportunities, but I think that, Bryan, you and I talked about how best to serve our clients. So I think that - when I think about business planning, I think about how can I help my clients. How can we help? And so I think if that is the question that drives our business, how can we help is - I think we have an awesome team and I'm so grateful to each one of you for coming along for this ride, because I think it's, you know, a great opportunity for all of us. But really, how can we serve? And I think that what I see is we need to augment our hospice expertise with other expertise and so Husch Blackwell - we only moved two blocks away, so in large part, our team is all here and we moved two blocks away - they have a health care practice that's in the top 10 in the country. They have 120 health care lawyers at our disposal, and so they are organized by business units and one of those business units is health care, and within that, they're all intra-disciplinary, so they have corporate lawyers that just focus on health care, labor and employment, employee benefits, health care regulatory, obviously, so it just gives us access to a lot of different expertise that I think, to meet the challenges of the future, we really needed to tap into that and so it's really augmenting what we all do in hospice, but helping us serve our clients in an expanded way.

Bryan Nowicki: Right. And I know, Meg, we obviously have had years and years of experience with audits and regulatory consultation, internal investigation, we've been getting into litigation and False Claims Act and supporting hospices that have received subpoenas or they're getting visits from contractors - both large scale and small scale - and combining hospices together to approach those crises or those really difficult problems. And in my view, I think the depth of our bench here at Husch Blackwell helps us to better represent those clients facing that variety of issues.

But you talked about something kind of - I think the future and the emerging issues. What about Husch Blackwell is exciting in terms of what issues are going to be facing hospices in the next year and five years and ten years?

Meg Pekarske: Yeah, exactly, and so the things that were top of mind for me, because I feel like it's almost weekly we're getting calls from clients about I want to joint venture with another - like a community hospice or hospital system and a non-hospice palliative care. How do we do that? Or bring in non-profit hospices in a certain area together that's due, you know, a big merger and how do we do that? And then I think Medicare Advantage is a very significant thing that is going to now touch hospices and so at Husch Blackwell, they have a lot of expertise in Medicare Advantage and managed care contracting, and so those are skills that I think we need on our hospice team to help see our clients into the future. And



Meg Pekarske: so those things were sort of front of mind so more of the how do we expand and grow and change? So that's through joint ventures, mergers, working with ACOs and so they have a ton of experience in that that can augment what we are able to do.

And so – but I think Bryan you mentioned obviously you've been heading up our health care litigation and we have gotten, you know, a number of hospice false claim cases and actually resolved those very successfully with non-intervention decisions by the government, but I think that practice has been growing tremendously for us and just needing additional resources to help grow that. Because unfortunately, that's a reality that some hospices have had to deal with. And if that happens to you, we want to be able to – again, the question that guides everything we do is how can we help?

Bryan Nowicki: Right, yeah, litigation-type matters are very labor-intensive and this gives us an ability to staff those projects more effectively for our clients if they ever have the unfortunate situation of having to deal with that. And as you said, Meg, it seems that the government enforcers and even whistleblowers are looking more and more at hospices as a potential target for those kinds of cases. So we're happy to be able to continue to expand our services to clients in that area in really an effective, efficient way, and we think it's to everybody's benefit.

Meg Pekarske: Bryan is always about effective and efficient.

Bryan Nowicki: Yes, my two favorite litigator words.

Meg Pekarske: Yes. Effective and efficient.

Bryan Nowicki: Yes. And you know, so far, we've been here just a few days, Meg, but the response from our clients has been really overwhelmingly positive. I think they understand the benefits to them of coming into this area. So maybe if you just say a little bit about the response we've received.

Meg Pekarske: Yeah, no, I think that's exactly right and I think importantly because, again, in evaluating how we help our clients, it was very important for us to have, you know, be at a firm where our rate structure would be the same and so our rates haven't changed but we are able to expand what we can do for clients, and so that was really important to us and so exactly right, Bryan, I think the response has been really tremendous. And I think the other thing that was really important is that, you know, being in a place that really sees the value of hospice and palliative care and so Husch Blackwell has an initiative – a post-acute care initiative – and so they really see that, given how health care is getting transformed, as being really critical from the health system perspective and so there's a lot of business planning around how can we serve this segment of health care, because it's really valuable and really important and so I think that Husch really values the expertise that we can bring to the hospices that they were already serving, but, you know, I think that they really value what our clients do and it really fits well into what they're trying to do as a firm and their strategic vision.



Bryan Nowicki: Yeah, it's really a great match. As our hospice practice has grown and developed, I think we're now in a place where there can be continued growth and development and that's going to be great for our clients. We can provide more of a one-stop shop type set of services for them. And that goes from what the kind of the work, Meg, you do use very sophisticated, kind of high-level policy initiated into the litigation matters that I handle. And of course, Erin and Andrew, part of the team, are really – they're learning a lot and they're gaining that experience with hospice in just a few years and able to reach out to clients directly and help them to make sure we staff these cases the right way in all these matters. So Erin, why don't you maybe describe what you think this will – how this move is going to affect the kind of work you do on a day-in/day-out basis.

Erin Burns: Yeah, thanks Bryan. I think that this move, given the depth of the bench here in the health care practice group, it gives us more time to focus on certain client matters that we ourselves have more experience in and we're able to kind of hand off to those experts in the other areas, like Meg was talking about – joint ventures – and that way, clients will have more effective and efficient ...

(laughter)

Bryan Nowicki: Excellent, yes.

Meg Pekarske: And excellent – that's the third!

Bryan Nowicki & Meg Pekarske: The three Es

Erin Burns: More effective ...

Meg Pekarske: Wasn't that our mission statement? E!

Bryan Nowicki: E, yeah, at one point, that was our motto.

(laughter)

Bryan Nowicki: The focus groups didn't like it, so.

Meg Pekarske: Exactly, so, but efficient, effective and excellent, so ...

Erin Burns: And that will help the clients and we will be able to, I think, do more as you were kind of saying, Bryan, more for our clients in a roundabout way. Not just audits and regulatory work, which we love. I love audits, I love the regulatory work and I'm excited to keep doing that, but this will give us some better opportunities for clients.

Bryan Nowicki: And it was really gratifying to reach out to clients when we were alerting them that hey, we're moving the hospice practice and a number of the questions were, well, is Erin coming with you, is Andrew coming with you, and we're really happy that both Erin and Andrew did come over with us, because our existing clients know the importance and value that we give to them really top to bottom.

Meg Pekarske: Well, and I think what has been important to me over the 20 years of doing this is it's what we do and so the mission of our clients is incredibly important. It's like I don't think there's any better match. Me being a lawyer, there's no better match from a substantive standpoint than, you know, helping hospices because I truly believe in the mission. So it's what we do, so helping hospices, but also the how we do it and so, you know, team is very important to me. It is having someone to laugh with on those hard days and, you know, we were joking about that we have this hospice wing here at Husch Blackwell, but we have – just so you visualize where we are – when we record these podcasts, we're always around a round table in my office and so all of our offices are right together and there's a big lounge that they're putting in with couches outside our office so we can also hang out. And then the other eight health care lawyers in the Madison office that I can talk a little bit about which is also really exciting that came over at the same time we did, we can all hang out in the hospice wing and so it is going to be a lively place and a lot of collaboration and team building going on because I think it's what we do but how we do it and Erin and Andrew have such a great way about them and I think the how we do stuff, I think, really meshes well with the culture of Husch and how they approach client service and what drives them to do what they do and so, but ...

Bryan Nowicki: Yeah, so Andrew, what do you think about the move? What's – what do you – how do you see this affecting/impacting clients?

Andrew Brenton: Well, I guess I would first reiterate what other people have said. I mean, I think you'll continue to see the same personal service that you have seen from us, while at the same time we can tap into a lot of the expertise of a national firm with like 120 health care attorneys across the country. So yeah, I think this is an exciting opportunity to kind of, you know, give our clients access to perhaps a broader array of expertise in services, while at the same time, you know, getting the same kind of core hospice knowledge that you've come to expect from the attorneys around this table.

Meg Pekarske: Yeah, no, I think that's exactly right and so I want to say a few words about – I just referenced the other eight health care attorneys and so my friend, Tom Shorter, who you will meet on this podcast at some point, and he and I became friends – he headed up the health care practice at another law firm and he and I became friends and really wanted an opportunity to work together and so he actually brought his health care team over to Husch Blackwell as well and they're all based in Madison so while – Andrew, you said there's 120 health care lawyers across the country, there's also 12 health care lawyers just in our Madison office, which is really exciting. And so Tom does – in his team, they work with hospitals and health systems and do a lot of joint venture work and a lot of transactional work, which I think is really a great, you know, fit with where we wanted to grow and build in different ways. His team is able to support us in that and I think as we see the blending of acute care and post-acute care, right, because hospitals are seeing the value of what hospice can bring to the table and non-hospice palliative care, I think having that deep expertise in the hospital health system world so that they – as we strategize about these partnerships, understanding that perspective is really, really helpful. So that was, you know, another once in a lifetime opportunity to sort of come together and so I think there's a lot of great energy in our office, so ...



Bryan Nowicki: Yeah, I agree, and Meg, you have devoted your entire career as an attorney to be an attorney for hospices – twenty years of that. I’ve been into this for, you know, going on 10 years as well. And I think in this new setting – and of course, Erin and Andrew were for a couple years, but already well into it – and I think that at our new location, it just means many, many more years into the future being able to provide the kind of service, growing with our clients, changing with our clients ...

Meg Pekarske: Exactly.

Bryan Nowicki: ... and really getting to know our clients. That’s one of the greatest things I’ve found in switching from what I used to do to this is you really get to know the clients more on a personal level. As a litigator a lot of times you’re hired gun. You go in, you win a case and then you come out. But with hospice, it’s different. And it’s really a lot of good people and I’ve really enjoyed those relationships. I’m looking forward to building them again and new relationships here at Husch.

Meg Pekarske: So anyway, all of this just happened several days ago and so, I, you know, we wanted to get this information out through our podcast because our podcast has been very successful and we’ve gotten traction and so we know that people are actually listening, which is gratifying. And so we wanted to share this exciting news with the – everyone in the whole world, I guess.

(laughter)

Meg Pekarske: So anyway, ...

Bryan Nowicki: And just – let me give the website out ...

Meg Pekarske: Oh yeah.

Bryan Nowicki: Just so if people want to track us down, they can look at – I think it’s huschblackwell.com. It’s h-u-s-c-h-b-l-a-c-k-w-e-l-l.com and that’s all one word, of course.

Meg Pekarske: Exactly. And then obviously you can find all of our bios and information on the firm there and then our LinkedIn profiles are updated as well and so we think that, you know, turning the page, this is a new chapter and a really exciting chapter and so – so thank you to all of you around this table and this table is a constant and so are you and it’s really an exciting time.

Closing: Well that is it for today’s episode of Hospice Insights, the Law and Beyond. Thank you for joining the conversation. To subscribe to our podcast, visit our website huschblackwell.com or sign up wherever you get your podcasts. Until the next time, may the wind be at your back.

