



HUSCH BLACKWELL

Hospice & Palliative Care

For nearly 20 years, members of our legal team have monitored continually shifting hospice and palliative care laws. Our attorneys are nationally recognized thought leaders who anticipate industry issues in order to clear pathways for nonprofit and for-profit clients large and small. Familiar with the legal, clinical and operational demands facing hospice and palliative care organizations, our legal teams efficiently address day to day questions as well as provide experienced negotiation during complex multimillion-dollar government audits.

Our services include:



Government Audits & Investigations

Our seasoned counsel efficiently negotiates Unified Program Integrity Contractor, Supplemental Medical Review Contractor, Medicaid Integrity Contractor and Medicare Administrative Contractors audits.



Corporate Transactions

Our experienced and multidisciplinary legal team collaborates to negotiate, draft and review sophisticated and customized agreements that allow hospice and palliative care providers to conduct day-to-day business, adapt to regulations and grow their organizations.



Licensing & Regulatory

Our attorneys stay current with the shifting regulatory landscape and how hospice organizations can remain licensed, certified, enrolled and in compliance at a local, state and federal level.



Litigation & Crisis Management

When unexpected claims destabilize ongoing business, our attorneys serve as fierce advocates and seasoned crisis managers. Our legal team navigates suspended payment, risk and exposure while defending clients before local, state and federal judicial, quasi-judicial, administrative and legislative bodies.



Tune in to Husch Blackwell's hospice podcast for conversations with industry innovators and fundamentals for navigating hospice law. Each episode delivers essential information clients need for best solutions in this changing healthcare sector.

<https://hospicelawinsights.simplecast.com/>

Work Highlights

- Successfully argued for hospice client that Unified Program Integrity Contractor (UPIC)'s \$25 million extrapolated overpayment was invalid. At first level of appeal, hospice was vindicated leaving mere \$70,000 in dispute.
- Negotiated \$2 million settlement of \$25 million UPIC audit securing hospice's future and its service to the community.
- Successfully defended a hospice against a whistleblower False Claims Act lawsuit that alleged improprieties in patient admissions and physician kickbacks, obtaining non-intervention decisions from the state and federal government and prevailing on a motion to dismiss the complaint in its entirety.
- Secured withdrawal of \$12 million extrapolated UPIC audit finding before demand letter was issued. Almost immediately persuaded Medicare Administrative Contractor (MAC) and UPIC that fundamental errors were made in audit documentation review, rendering overpayment determinations and statistical extrapolation inaccurate. The hospice was thus able to avoid costly and time-consuming appeal.
- Secured removal of extrapolation decision for hospice resulting in reduction of overpayment from approximately \$6 million to approximately \$100,000.
- Successfully defended one of the first federal hospice Medicaid Integrity Contractor (MIC) audits by obtaining withdrawal of nearly entire \$3 million overpayment. Coordinated with local counsel to challenge State's ability to recoup Medicaid nursing home room and board dollars on basis that Medicare hospice services were alleged to have not been medically necessary.
- Received favorable decisions from administrative law judge on all beneficiary denials appealed in extrapolated sample, reducing overpayment from approximately \$4.6 million to just under \$40,000.
- Successfully defended state Medicaid audit seeking to recover \$6+ million in nursing home room and board pass-thru payments. After initial response, recoupment was reduced to approximately \$82,000.

Client Success

Our client, a national hospice provider, was investigated by the Department of Justice (DOJ) based on claims made by former employees in a federal False Claims Act lawsuit. The former employees alleged a wide variety of wrongdoing relating to patient admissions, clinical evaluations of patients, kickbacks, documentation concerns and intentional fraud. The DOJ examined nearly every aspect of the hospice's compliance program and operations. We engaged in active communications and negotiations with the DOJ, including a presentation demonstrating the effectiveness of the hospice's compliance program, and refuted the allegations. The former employees voluntarily dismissed their complaint before trial, and the DOJ closed its investigation without taking any action.



Hospice Resource Center

We're committed to serving as a true industry partner, monitoring updates and fostering learning. So that our clients have easy access to a full library of supplemental materials, we've assembled a variety of critical hospice-specific resources for easy reference.

<https://www.huschblackwell.com/hospice-resource-center>

Relentless client focus.

At Husch Blackwell, we have built our law firm around one idea: to guide our clients from where they are to where they want to be. Our industry-centric approach gives us a deep understanding of what our clients face every day. But more than that, it creates a shared vision that moves our clients forward.