

LONG-TERM CARE



OVERVIEW

Foulston Siefkin provides legal services to clients in the continuum of long-term care. Our attorneys represent organizations providing services in the long-term care space, including developers and operators of independent and assisted living communities, Alzheimer's and memory care facilities, nursing homes (including skilled nursing facilities), continuing care retirement communities (CCRC), and home care providers. We counsel our clients in all aspects of their business, construction and real estate, employment, financing, litigation, privacy, risk management, regulatory compliance, reimbursement, tax, transactions, and other legal affairs. We assist diverse types of long-term care facilities with issues involving federal and state regulators and taxing authorities, insurance reimbursement, professional liability, licensing, and quality assurance. We assist our clients with issues involving residents, guardians, providers and vendors, employees, and government regulators.

Our attorneys maintain a high level of expertise regarding federal and state regulations affecting the long-term care industry. At the same time, the relationship of our long-term care practice group with Foulston Siefkin's other practice groups, including the healthcare, business, taxation, labor and employment, employee benefits, construction, real estate, and litigation groups, enhances our ability to consider the legal ramifications of our clients' situations.

Organizations served:

- Adult Day Care Centers
- Alzheimer's and Memory Care
- Assisted Living Facilities
- Continuing Care Retirement Community (CCRC)
- Home Health Agencies

FOULSTON

ATTORNEYS AT LAW

- Hospice
- Independent Living Communities
- Long-Term Care Facilities
- Nursing Homes
- Skilled Nursing Facilities

AREAS OF REPRESENTATION

- Admission Agreements and Policies - Negotiated Service Agreements and Resident Agreements
- Anti-Kickback Statute Compliance
- Business and Contract Disputes
- Business Transactions
- Change of Ownership (CHOW)
- Contracting - Suppliers, Professional Staff, Hospice
- Corporate Governance & Board of Directors Representation
- Compliance Programs
- Credentialing/Peer Review
- Elder Abuse Claims
- Employment and Labor Law
- Financing (including Healthcare Bond Issues)
- Fraud and Abuse Compliance
- General Business Issues
- Government Investigations and White Collar Crime
- HIPAA Privacy, Security, and Breach Notification
- Licensure and Regulation
- Managed Care Contract Negotiations, Disputes, and Appeals
- Medicare and Medicaid Certification and Reimbursement
- Medicaid HCBS Waiver Programs
- Not-for-Profit Status and other Tax-Exempt Issues
- Payor Appeals (including Medicare)
- Policy Development
- Surveys (including Deficiencies, Plans of Correction, and Informal Dispute Resolution)
- Qui Tam (Whistleblower) Suits
- Real Estate
- Risk Management
- Taxation - Income, Property Tax, and Sales and Use Tax
- Training

FOULSTON

ATTORNEYS AT LAW

PUBLICATIONS

ISSUE ALERTS

2023

OCR Announces the End of COVID-19 Public Health Emergency HIPAA Notifications of Enforcement Discretion

Healthcare Providers, The End is Near: CMS Issues Guidance for Expiration of COVID-19 Public Health Emergency

COVID-19 Vaccination Requirements for Federal Employees, Federal Contractors, and CMS-Certified Providers Will End

Review Health Professional Overtime Policies In Wake of February Supreme Court Ruling

2021

Coronavirus: UPDATE: Court Temporarily Blocks CMS Omnibus COVID-19 Healthcare Staff Vaccination Requirements in Kansas, Missouri, and 8 Other States

Coronavirus: CMS Releases Omnibus COVID-19 Healthcare Staff Vaccination Interim Final Rule

Coronavirus: HHS To Issue \$25.5 Billion in COVID-19 Provider Relief Funding

Coronavirus: Biden Administration to Require Vaccination of Nursing Home Staff

Coronavirus: CMS Eases Nursing Home Visitation Guidelines to Address COVID-19 Vaccinations and Slowing Infections

2020

Coronavirus UPDATE: CMS Issues New Nursing Home Visitation Guidelines

Coronavirus: DOL Revises Paid Leave Requirements Under FFCRA

Coronavirus: COVID-19 Response and Reopening for Business Liability Protection

Coronavirus: Nursing Homes Required to Report COVID-19 Cases to CDC, Residents, and Resident Representatives

Coronavirus: Key Healthcare Components of the CARES Act

Coronavirus: HIPAA Privacy Rules and the COVID-19 Pandemic

Coronavirus: UPDATE CMS Directs Nursing Homes to Restrict Visitation Nationwide

Coronavirus: CMS Orders Significant Monitoring and Restriction of Nursing Home Visitors

Coronavirus: Emergency Preparedness Plans and Operational Guidance for Hospitals and Other Healthcare Facilities in Confronting COVID-19

District Court Strikes Down Office for Civil Rights 2016 HIPAA Right to Access Guidance Application to Third Parties

2019

MO HealthNet OPRA Provider NPI and Enrollment Requirements: Warning Phase Ends November 1, 2019

New DOJ Guidance Takes a Closer Look at Corporate Compliance Programs and Incentivizes Cooperation in False Claims Act Violations

2018

FOULSTON

ATTORNEYS AT LAW

HHS Issues Request for Information Seeking Input on HIPAA Improvements
CMS Says Don't Text Patient Orders

2017

Is Your Emergency Preparedness Plan Consistent with CMS Standards?

2016

New HIPAA Guidance Removes Roadblocks to Patient Access: But at What Cost to Providers?
CMS Issues Final 60-Day Overpayments Rule: It's All About A Provider's Risk Tolerance

RELATED LINKS

- [Kansas Department for Aging and Disability Services](#)
- [Kansas LTC Ombudsman](#)
- [Kansas Medical Assistance Program](#)
- [Missouri Department of Social Services](#)
- [Missouri DHSS LTC Ombudsman](#)
- [Missouri DHSS Senior & Disability Services](#)

ATTORNEYS/OTHER PROFESSIONALS

PRIMARY CONTACTS



BROOKE BENNETT AZIERE

Partner

T: 316.291.9768
baziere@foulston.com

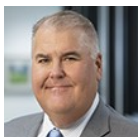
LONG-TERM CARE TEAM MEMBERS



KEVIN J. ARNEL

Partner

T: 316.291.9761
karnel@foulston.com



SCOTT C. PALECKI

Partner

T: 913.253.2167
spalecki@foulston.com

FOULSTON

ATTORNEYS AT LAW



AMANDA M. WILWERT

Partner

T: 913.253.2181
awilwert@foulston.com

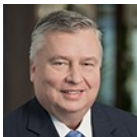


GABRIELLA C. GRAUSE

Associate

T: 316.291.9750
ggrause@foulston.com

ADDITIONAL SUPPORTING MEMBERS



KYLE J. STEADMAN

Partner

T: 316.291.9523
ksteadman@foulston.com



FOULSTON

ATTORNEYS AT LAW

LAUREN E. BUTLER

Associate

T: 316.291.9566
lbutler@foulston.com