

OUR PRACTICE

Home Health and Hospice Organizations

Baker Donelson has extensive experience providing strategic counsel and legal advice to home health, hospices, and home-based care providers.

Along with our extensive experience in representing acute and other post-acute health care providers, Baker Donelson is the go-to outside counsel for home health agencies, hospices, and home care providers. Baker Donelson represents home health agencies, hospice providers (including health systems with hospice and home health offerings), residential hospital facilities, inpatient hospice units, Medicaid (State Plan and Waiver) home care agencies, private duty nursing providers, companionship and sitter agencies, Programs for the All-Inclusive Care for the Elderly (PACE), and private pay agencies in all legal aspects of their growth, operations, and strategy. Baker Donelson's Home Health and Hospice team helps these providers navigate the increasingly complex legal and regulatory issues facing their operations and strategic growth. Baker Donelson also represents providers in transactions and litigation and serves as legal counsel to multiple trade associations for these provider types.

Representative experience for Baker Donelson's Home Health and Hospice Team includes:

- Representing providers in transactions, including mergers, acquisitions, and joint ventures
- Advising on service requirements, including:
 - Hospice beneficiary elections, plans of care, face-to-face documentation, terminality certification, and lengths of stay
 - Home health face-to-face encounter, service documentation, and physician signature requirements; homebound status; and necessity for skilled services
- Developing and reviewing compliance programs
- Conducting internal investigations involving potential reimbursement issues and/or allegations of health care fraud or abuse
- Responding to OIG and DOJ audits, inquiries, and investigations
- Advising on Medicare and Medicaid reimbursement, including payor audits, overpayment appeals, post-payment review audits, and recoupment actions
- Drafting and reviewing agreements with nursing homes, hospitals, ambulance, and other providers
- Representing providers before state licensing boards, administrative courts, CMS, credentialing committees, accreditation agencies, and law enforcement agencies
- Advising about ownership changes under Medicare
- Challenging payment suspensions
- Appealing Medicaid and Medicare enrollment denials and terminations
- Advising providers with onsite licensure and accreditation surveys
- Defending against allegations of health care fraud (e.g., False Claims Act, Anti-Kickback Statute, Stark Law)
- Advising about policies and procedures, compliance manuals, and emergency management plans
- Reviewing contracts for regulatory, reimbursement, business, and related purposes
- Drafting and negotiating value-based payment arrangements
- Negotiating vendor agreements and resolving vendor disputes
- Navigating HIPAA compliance
- Advising about labor and employment laws

- Defending health care employment disputes
- Counseling on corporate governance issues

Baker Donelson also has a strong understanding of health care policy and has relationships with state and federal regulators that enable us to help home health, hospice, and home-based care providers understand the applicable regulations and achieve their strategic goals.