FOULSTON
ATTORNEYS AT LAW

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
- Hospice
- Independent Living Communities

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- Long-Term Care Facilities
- Nursing Homes
- Skilled Nursing Facilities

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

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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

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

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

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- 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

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

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