

SENIOR HOUSING & CARE



OVERVIEW

Foulston Siefkin provides legal services to clients in the continuum of senior housing & care. Our attorneys represent organizations offering aging services including developers and operators of assisted and independent living senior communities, Alzheimer's and nursing homes (skilled nursing facilities, long term care facilities, and nursing care 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, and other legal affairs. We assist diverse types of senior facilities with issues involving federal and state regulators and taxing authorities, insurance reimbursement, professional liability, and quality assurance. We assist our clients with issues involving residents, providers and vendors, employees, and government regulators.

Our lawyers maintain a high level of expertise regarding federal and state regulations affecting the Senior Housing and Care industry. Our law firm devotes significant resources to ensure our attorneys remain up-to-date on regulatory and compliance developments. At the same time, the relationship of our Senior Housing & Care practice group with Foulston Siefkin's other practice groups, including the health care, 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 Care
- Assisted Living Facilities
- Continuing Care Retirement Community (CCRC)
- Home Care
- Home Health Agencies
- Hospice Care

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- Independent Living Communities
- Long Term Care Facilities
- Multi-Level Facilities
- Nursing Care Facilities and Agencies
- Nursing Homes
- Retirement Homes
- Senior Apartments
- Skilled Nursing Facilities

AREAS OF REPRESENTATION

- **Admission Agreements and Policies - Negotiated Service Agreements and Resident Agreements**
 - Identification of responsible parties and definition of their duties and responsibilities.
- **Anti-Kickback Statute Compliance**
- **Bioethical and End of Life Issues**
 - Help providers develop practical responses to challenges of decisions about withdrawal of life sustaining treatment & Patient Self-Determination Act and the Advance Directive for Healthcare Act, including the establishment of ethics committees.
- **Business and Contract Disputes**
- **Civil Rights**
- **Class Action Lawsuits**
- **Commercial Litigation**
- **Construction Law**
- **Contracting - Suppliers, Professional Staff, Hospice**
- **Corporate Governance & Board of Directors Representation**
- **Credentialing/Peer Review**
- **Creditors' Rights**
- **Employee Benefits**
 - Design, implementation, and maintenance of a competitive benefits package while complying with the substantive rules of ERISA, the Internal Revenue Code, and applicable state law.
- **Evictions**
- **Elder Abuse Claims**
- **Electronic Medical Records**
- **Employment and Labor Law**
 - Advise and represent employers in the full range of issues arising from the employment relationship.
- **Fair Housing Act Compliance**
- **Financing, Including Healthcare Bond Issues**

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- **Fire and Safety Issues**
- **Fraud and Abuse Compliance**
- **General Business Issues**
 - Advise on the formation, organization, and restructuring of entities to minimize liability issues; conventional and tax-exempt financing matters; real estate acquisition and development; sale and lease back transactions; REIT financing; and long-term management arrangements.
- **General & Corporate Counsel**
- **Government Investigations and White Collar Crime**
 - Negotiate pre-trial resolutions of charges filed by government agencies and if necessary aggressively defend clients in litigation involved with Federal and State investigations. Assess risks associated with investigations and provide counsel in order to create programs to prevent and detect internal misconduct that puts the company at risk for criminal prosecution.
- **HIPAA / HITECH Compliance**
- **Insurance Fraud Defense**
- **Intellectual Property**
- **Licensure and Regulation**
 - Advise on national and state legislation and regulatory developments related to senior housing and care. Oversee the survey and enforcement process of federal certification surveys and state licensing inspections.
- **Lobbying**
- **Long-term Care Bed Exception Requests**
 - Advocate for nursing facility clients seeking to add new or additional beds to their facility
- **Managed Care Disputes**
- **Medicare and Medicaid Certification and Reimbursement**
- **Medicaid Waiver Programs**
- **Not-for-Profit Status and other Tax-Exempt Issues**
- **Nursing Home Surveys**
- **Professional Liability Litigation**
- **Qui Tam (Whistleblower) Suits**
- **Real Estate**
- **Resident Litigation**
- **Resident Relocation**
- **Risk Management**
 - Implement compliance, audit and documentation procedures to minimize litigation claims.
- **Software Licenses**
- **Stark Compliance**
- **Taxation - Income, Property Tax, and Sales and Use Tax**
- **Tort Claims**

[RELATED LINKS](#)

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- KDHE - Division of Health
- KDOA
- Kansas LTC Ombudsman
- Kansas State Behavioral Sciences Regulatory Board
- Kansas State Board of Nursing
- Administration on Aging (AOA)
- CMS - The Centers for Medicare and Medicaid Services
- Medicare Quality Improvement Community (MedQIC)
- Kansas Association of Homes and Services for the Aging
- AARP
- Alzheimer's Association
- American Medical Directors Association
- American Society of Consultant Pharmacists (ASCP)
- Central Plains Geriatric Education Center
- Center for Advocacy for the Rights and Interests of the Elderly
- Center for Excellence in Assisted Living
- Family Caregiver Alliance
- Gerontological Nursing Interventions Research Center
- KAHSa Insurance Group (KING)
- Kansas Advocates for Better Care
- Kansas Area Agencies on Aging
- Kansas Adult Care Executives
- Kansas Hospital Association
- Kansas State University Center on Aging
- Mainstream, Inc.
- National Adult Day Services Association
- The National Association for Continence (NAFC)
- National Association Directors of Nursing Administration (NADONA)
- National Center for Creative Aging (NCCA)
- National Certification Council for Activity Professionals (NCCAP)
- Office of Aging and Long Term Care
- PEAK (Promoting Excellent Alternatives in Kansas)
- Pioneer Network Culture Change
- Wichita State University Regional Institute on Aging

PUBLICATIONS

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ISSUE ALERTS

2012

Healthcare Providers' Affirmative Action Obligations Take Center Stage
New Interpretive Guidelines for Patient Rights Conditions of Participation
CMS Issues Proposed Overpayments Rules

2011

HIPAA Audits Are Here: Can You Satisfy the Auditor of Your Compliance
Skilled Nursing Facilities and Nursing Homes Beware: Health Care Reform Changes How Facilities
Approach Compliance
HIPAA: Recent Penalties Make Policy Review a Great Idea

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ATTORNEYS

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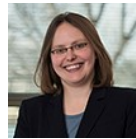
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