



BROOKE BENNETT AZIERE

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PROFILE

Ms. Aziere is a partner and practice group leader of the firm's Health Law Practice Group and has devoted her professional career to advising and counseling healthcare clients. She has a wide variety of experience representing almost every type of healthcare provider, including hospitals, ambulatory surgery centers, skilled nursing facilities, recovery care centers, home health agencies, durable medical and orthotics suppliers, third-party billing companies, physicians, nurses, and numerous medical groups. Her healthcare practice includes assisting providers with Medicare and Medicaid reimbursement, negotiating managed care and other payor contracts, drafting and implementing compliance programs, and advising clients on licensure and the Medicare Conditions of Participation and Conditions for Coverage, and EMTALA compliance. Ms. Aziere also regularly assists providers and other business clients with complex business transactions and HIPAA enforcement and compliance, including the drafting and implementing of HIPAA policies and procedures and related training. She counsels providers on medical staff matters ranging from medical staff bylaws and peer review matters to credentialing. Risk assessment and management with attendant policy development also comprises a substantial portion of Ms. Aziere's healthcare practice. She also represents providers with licensure matters before state agencies and defends healthcare providers during government investigations and attendant regulatory or civil matters. Ms. Aziere has extensive experience assisting Medicaid Home and Community-Based Service (HCBS) providers with licensure and regulatory issues.

In her Senior Care and Housing practice, Ms. Aziere routinely handles business issues, compliance issues, administrative and regulatory issues, bioethical issues, and elder abuse issues. She provides services to clients involved with the entire continuum of long-term care and housing, including assisted living facilities, independent living communities, Alzheimer facilities, skilled nursing facilities, and home-pluses, dealing with admission agreements, licensure, physician relationships, policies, risk management, delivery of care, and managed care.

Ms. Aziere also litigates a variety of cases in state and federal courts and before administrative agencies. She has successfully represented physicians, dentists, nurses, and other healthcare professionals before licensure boards and assisted her clients in tort and contract cases, RAC and Medicaid appeals, and commercial disputes.

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ATTORNEYS AT LAW

Ms. Aziere has been selected by her peers for inclusion in the Missouri & Kansas Super Lawyers® Rising Star list. She is a frequent lecturer on healthcare law topics. She is a member of the American Health Lawyers Association, the Kansas Association of Hospital Attorneys, the Greater Kansas City Society of Healthcare Attorneys, and the Health Law Section of the State Bar of Texas.

Education

- University of Kansas (J.D.)
Order of the Coif; magna cum laude; Faculty Award for Outstanding Scholastic Achievement; Phi Kappa Phi Honor Society; Articles Editor - *Kansas Law Review*
- Friends University (B.A. in Political Science and History)
summa cum laude

Admissions

- Kansas
- Missouri
- Texas
- U.S. District Court for the District of Kansas
- U.S. Court of Appeals for the Tenth Circuit

PRACTICE AREAS

- Healthcare
- Senior Housing & Care
- Administrative/Regulatory
- Government Investigations & White Collar Crime
- Privacy & Data Security

INDUSTRIES

- Healthcare
- Senior Housing & Care

COMMUNITY INVOLVEMENT

- City of Haysville, Historic Committee
- The Pando Initiative (formerly Communities in Schools), Board of Directors, 2013-2019
- Wichita Habitat for Humanity build, November 2018
- Wichita Crime Commission, 2011-2015
- American Heart Association, Board of Directors, 2010-2011

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- Wichita Habitat for Humanity, Wonder Week 2010
- TFI Family Services Wichita Community Resource Council, 2007-2008
- American Diabetes Association Leadership Council, 2005-2007

RELEVANT EXPERIENCE

- Assisted in the acquisition of multi-facility ambulatory surgical centers in multiple states.
- Developed compliance plan for multiple ambulatory surgical centers and hospitals.
- Resolved home health agency licensure action.
- Represented institutional and individual health care providers in investigations and negotiations with the U.S. Department of Health and Human Services, Office of Inspector General, and the U.S. Attorney's Office for the District of Kansas.
- Assisted healthcare providers and long-term care providers with the development, revision, and implementation of compliance programs and HIPAA policies.
- Assisted business clients with the development, revision, and implementation of HIPAA policies for group health plans.
- Represented healthcare providers, senior-housing providers, and child-placing agencies in administrative proceedings involving licensure issues.
- Advised and assisted healthcare providers and long-term care providers with internal investigations related to HIPAA, data security breaches, Medicare and Medicaid reimbursement, false claims, the Anti-Kickback Statute, and other compliance-related matters.
- Represented individual healthcare providers in medical staff and peer review matters.
- Advised healthcare providers on Medicare certification and facility licensure.
- Advised and assisted health care providers and HCBS providers with negotiation of managed care contracts (e.g., KanCare).
- Represented healthcare providers and HCBS providers in administrative proceedings involving Medicaid appeals.
- Assisted hospitals, clinics, home-health providers, long-term care facilities and other provider and supplier types with Medicare and Medicaid enrollment including change of ownership.
- Advised and assisted hospitals with development and implementation of medical staff bylaws.
- Advised hospitals on EMTALA matters.
- Represented healthcare providers during Office for Civil Rights (OCR) investigations related to HIPAA compliance and Section 1557.
- Defense counsel in a breach of contract case relating to an employment agreement between a physician and physician group practice. The plaintiff alleged that the physician group practice breached the employment agreement by suspending his salary and denying severance after terminating the agreement. The physician group counterclaimed for damages stemming from the physician providing professional services to another medical facility which was prohibited by the physician's agreement. Obtained summary judgment dismissing the plaintiff's claim and granting the physician group's counterclaim. *Totonelly v. Galichia Medical Group, P.A.*, Case No. 6:09-CV-01234-JTM-KMH (D. Kan. Feb. 27, 2012).

PROFESSIONAL MEMBERSHIPS, AFFILIATIONS, AND HONORS

- Selected by peers for inclusion in *Missouri & Kansas Super Lawyers*® Rising Star List, 2010-2018 (a Thomson Reuters business)
- Wichita Business Journal Women in Business, 2018
- Wichita Business Journal Bizwomen Mentoring Monday, Mentor, 2017 & 2018
- Wichita Business Journal Career Women, 2017
- Wichita Business Journal / Kansas Leadership Center Emerging Leader, 2015; Emerging Leaders Panelist, December 10, 2015
- Wichita Business Journal 40 Under 40 Business Leader, 2014
- American Bar Association
- Kansas Bar Association
- Wichita Bar Association, Law in Education Committee
- Wesley E. Brown American Inn of Court, 2008-2015, Executive Committee, 2012-2013
- American Health Lawyers Association
- LeadingAge Kansas
- Greater Kansas City Society of Healthcare Attorneys
- Missouri Society of Health Care Attorneys
- Kansas Association of Hospital Attorneys
- State Bar of Texas

PRESENTATIONS

2020

- 2019 OIG Work Plan and Rural Examples (Kansas Hospital Association, Corporate Compliance Workshop)
- Ethical Dilemmas; How to Manage Disruption in the Workplace (Kansas Hospital Association, Corporate Compliance Workshop)

2019

- HIPAA Hero (Foulston Health Law Institute)
- The Top 10 Healthcare Issues to Watch in the Coming Year (Foulston Health Law Institute)
- Documentation Do's and Don'ts (Great Plains Health Alliance, Inc., DON/HIM/SSB/LTC Roundtable)
- Privacy/Breach Review (Great Plains Health Alliance, Inc., Sunflower Health Network, Med-OP, and Pioneer Health Network's HIPAA Privacy and Security Updates Conference)
- Risk Management, EMTALA, and Damage Caps (Great Plains Health Alliance, Inc. Risk Management Roundtable)
- Compliance, Risk Management, and Other Legal Issues and Trends (Client's Leadership Conference)
- Compliance 101: Creating a Culture of Compliance (Missouri Rural Health Conference)
- Practical Approaches to Behavioral Healthcare in Emergency Departments (Missouri Rural Health Conference)

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ATTORNEYS AT LAW

- OCR Phase 2 Audits: What We Learned From the Regulators and What We Didn't (Kansas Health Information Management Association Annual Meeting)
- Improving Risk Management & Compliance (Client's Nursing and Supply Chain Conference)
- Keep Calm and Compliance On: Creating a Culture of Compliance (Great Plains Health Alliance, Inc. CEO Roundtable)
- Storms They Are Abreaving: CMS' Final Rule on Emergency Preparedness Requirements & Managements Plans (2019 South Central Kansas Health & Medical Symposium)

2018

- HIPAA (Great Plains Health Alliance, Inc. CEO Roundtable)
- Keep It Secret; Keep It Safe: HIPAA Privacy and Security Update (Foulston Siefkin Health Law Institute)
- Compliance Conundrums (Foulston Siefkin Health Law Institute)
- Compliance/HIPAA Update (Client's Leadership Conference)
- Privacy/Breach Review (Great Plains Health Alliance, Inc., Sunflower Health Network, Med-OP, Pioneer Health Network, HIPAA Update)

2017

- Privacy/Breach Review (Great Plains Health Alliance, Inc., Sunflower Health Network, Med-OP, Pioneer Health Network, HIPAA Update)
- EMTALA Refresher 101 (Great Plains Health Alliance, Inc., Director of Nurses, Health Information Managers, and Swing Bed Directors Roundtable)
- Hungry, Hungry HIPAA (Foulston Siefkin Health Law Institute)
- Compliance Gotchas and Emerging Risk Areas, Co-Presenter (Foulston Siefkin Health Law Institute)
- No Such Thing as a Routine Chart Audit Request from a Medicare or Medicaid Contractor, Co-Presenter (Foulston Siefkin Health Law Institute)
- HIPAA Update: Enforcement, Security, Audits, & More, Co-Presenter (KBA Health Law CLE)
- Compliance Landmines (Foulston Siefkin Health Law Compliance Forum)
- Creating a Culture of Compliance, Co-Presenter (Foulston Siefkin Health Law Compliance Forum)

2016

- HIPAA Security Survival: Enforcement, Ransomware, and Texting (Foulston Siefkin Health Law Institute)
- HIPAA Privacy Pitfalls: Patient Access, Copy Charges, and Subpoenas (Foulston Siefkin Health Law Institute)
- Section 1557 Nondiscrimination Rules, Co-Presenter (Foulston Siefkin Health Law Institute)
- Anatomy of an Office for Civil Rights Complaint (HIMSS, Spring 2016 Education Conference)
- The Anatomy of an Actual OCR Investigation (Kansas Health Information Management Association (KHIMA), Spring Meeting)
- Current HIPAA Security Landscape (Kansas Adult Care Executives (KACE), Tanner-Foster Conference)

2015

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- Practical Guidance in Handling Overpayments in Light of 60-Day Repayment Rule Case (Foulston Siefkin, Kansas Health Law Institute)
- Current HIPAA Security Landscape (Foulston Siefkin, Kansas Health Law Institute)
- EHR Liabilities: Minimizing Risk (Kansas Health Information Management Association (KHIMA), Spring Meeting)
- HIPAA: What Do Self-Insured Employers Need to Know? (Kansas SHRM, KSSHRM 2015 Conference)
- Medicare Provider Enrollment – Traps for the Unwary (Foulston Siefkin LLP, Kansas City Health Law Institute)
- HIPAA Security: Focus on Integrated Management of Security Issues (Foulston Siefkin LLP, Kansas City Health Law Institute)

2014

- PECOS, Provider Enrollment, and Changes to Medicare Information – Traps for Unwary (Foulston Siefkin LLP, Kansas Health Law Institute)
- Living in the Real World: Case Studies on How to Handle Potential Overpayments and False Claims (Foulston Siefkin LLP, Kansas Health Law Institute)
- HIPAA Security takes Center Stage (Foulston Siefkin Kansas Health Law Institute)
- Electronic Health Records: Minimizing Risk (KACE, Annual Convention)

2013

- CMS Taketh Away: Readmissions & Inpatient Denials (Foulston Siefkin LLP, Health Law Institute)
- HIPAA Hostility: Breach Notification, Audits & Enforcement (Foulston Siefkin LLP, Health Law Institute)
- ObamaCare and Changes to Medicare and Medicaid (Wichita Bar Association's Disability Law and Medicare and Medicaid)
- The Final HIPAA Regulations Are Here: What Does This Mean For Your Practice? (KMGMA Spring Conference)
- Basic Security and Privacy Changes (Foulston Siefkin LLP, HIPAA MegaRule Decoded: Health Care Providers Forum)

2012

- HIPAA (Foulston Siefkin Kansas Health Law Institute)
- Off Label Drugs – What Providers Need to Know (Foulston Siefkin Kansas Health Law Institute)
- Medicare With and Without ObamaCare: Constitutionality of the Affordable Care Act (Wichita Bar Association's Disability Law and Medicare)
- Providers Beware: CMS Issues Proposed Overpayments Rules and They Are Not What We Expected (KAASC, Spring Seminar)
- Providers Beware: CMS Issues Proposed Overpayments Rules and They Are Not What We Expected (KMGMA, Spring Conference)

2011

- Back to Compliance 101: Cultivating a Culture of Compliance (Kansas Adult Care Executives, A Legal

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Symposium for Adult Care Executives)

- Back to Compliance 101: Cultivating a Culture of Compliance (Foulston Siefkin, Kansas Health Law Institute)
- HIPAA Update Roundtable Discussion (Kansas Association of Healthcare Communicators Spring Conference)
- HIPAA 2011 (Foulston Siefkin, Kansas Health Law Institute)

2010

- A Potpourri of Disability Law, "The Impact of Health Reform on Medicare" (Wichita Bar Association)
- HITECH - Electronic Health Records and HIPAA Security (Foulston Siefkin, Kansas Health Law Institute)

2008

- Torts Section, Video Presentation (Kansas Bar Association's Kansas Legislative and Case Law Institute)
- HIPAA - Anatomy of a Citation (Foulston Siefkin, Kansas Health Law Institute)

2007

- Torts Section, Video Presentation (Kansas Bar Association's Kansas Legislative and Case Law Institute)

2006

- Everything You Wanted to Know About Lawsuits But Were Afraid to Ask (Foulston Siefkin Health Law Institute)

PUBLICATIONS

2019

- Chapter 14 Medical Necessity, Claims, and Payment Processes
-AHLA Health Care Compliance Legal Issues Manual 5th Edition

2016

- Health Law Chapter
-Kansas Bar Association's 2016 Annual Survey

2015

- Health Law Chapter
-Kansas Bar Association's 2015 Annual Survey

2014

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- **ONC focuses on HIPAA Security with release of Security Risk Assessment Tool**
 - Lexology
- **Health Law Chapter**
 - Kansas Bar Association's 2014 Annual Survey

2013

- **Health Law Chapter**
 - Kansas Bar Association's 2013 Annual Survey
- **Foulston Siefkin HIPAA Privacy Implementation Handbook for Health Care Providers**

2012

- **Health Law Chapter**
 - Kansas Bar Association's 2012 Annual Survey
- **Torts Chapter**
 - Kansas Bar Association's 2012 Annual Survey

2011

- **Torts Chapter**
 - Kansas Bar Association's 2011 Annual Survey

2010

- **Torts Chapter**
 - Kansas Bar Association's 2010 Annual Survey

2009

- **Torts Chapter**
 - Kansas Bar Association's 2009 Annual Survey

2008

- **Torts Chapter**
 - Kansas Bar Association's 2008 Annual Survey

2007

- **Torts Chapter**
 - Kansas Bar Association's 2007 Annual Survey

2002

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ATTORNEYS AT LAW

- The Clash Between Workers' Compensation Benefits and Underinsured Motorist Benefits Under Kansas Law
-The University of Kansas Law Review, Vol.51, No. 1
- Court Holds Employer Liable for Supervisor's Sexual Demands
-Kansas Employment Law Letter, Vol. 9, No. 6

ISSUE ALERTS

2020

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

2019

- CMS Eases Supervision Requirements for Outpatient Therapeutic Services Provided in Hospitals and Critical Access Hospitals
- CMS Eases ASC Regulations Concerning Patient Transfers, Examinations, and Emergency Preparedness Planning
- 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

- CMS Clarifies Off-Campus Provider-Based Billing Prohibition
- 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

2015

- CMS Clarifies "Incident-To" Billing Rules: Billing Physician Must Supervise Incident-To Services

2014

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- ONC Focuses on HIPAA Security With Release of Security Risk Assessment (SRA) Tool

2013

- Critical Access Hospitals Beware - Come January 1, 2014, CMS Will Enforce the Direct Supervision Requirements For Outpatient Therapeutic Services
- HHS Focuses on Privacy with at long last Final Regulations and New Guidance

2012

- CMS Revises Hospital and CAH 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
- Red Flags Clarification: Physicians Exempt

2008

- The ADA Amendments Act (ADAAA) Will Impact How School Districts Evaluate Section 504 Cases