



## Hospice and Palliative Care

Since its inception more than 20 years ago, Reinhart Boerner Van Deuren's Hospice and Palliative Care Group has evolved into one of the largest and most robust in the United States. At Reinhart, our hospice attorneys have a commitment to hospice that goes beyond the group of law; our mission is to deliver legal solutions that ensure hospice operators across the country can fulfill their mission. As a result, our hospice attorneys are uniquely suited to understand the values, passion and dedication of our clients. Those same principles on which the group was founded continue to guide and elevate our work in the space today.

Reinhart's Hospice and Palliative Care team features a specialized group of attorneys completely dedicated to the issues that hospice providers of all sizes are concerned with in today's highly regulated environment. Providers nationwide place their trust in us due to the collective outcomes we have achieved over decades of work in the industry. We empower our clients by taking control of legal matters and successfully navigating the complex network of rules and regulations. As a result, we deliver confidence and reassurance while restoring a sense of control for hospice operators.

Leveraging the knowledge we have accrued from successfully addressing a high volume of cases over the years, we analyze an obstacle in deep detail and efficiently determine the best course of action in real time. Our hospice attorneys value proactively preventing issues as much as finding solutions to long-term problems.

It is our mission to help hospice and palliative care providers across the full continuum regardless of size or non-profit/for-profit status continually adapt and effectively respond to a changing industry. We pride ourselves on seeing the nuance in every case and elevating our response beyond a stock answer by applying our knowledge in new ways. Our client solutions continue to evolve and remain effective due to our deep understanding of the individual business and the hospice industry overall.

In addition to serving individual clients, we contribute our expertise to addressing national hospice policy and regulatory issues. Reinhart attorneys are regular presenters at National Hospice and Palliative Care Organization (NHPCO) conferences and webinars, and are frequently quoted in national hospice publications.

### Matters

- The hospice team successfully assisted a provider through the redetermination and reconsideration levels of appeal to reduce its alleged overpayment amount by over 60%, from over \$486,000 to under \$150,000, as well as decrease the number of patients at issue by more than half following reconsideration.
- Achieved a 59% reduction in overpayment amount at the rebuttal stage in MIC Audit.



- Won a \$25 million victory in a hospice case. The hospice team successfully argued that the Zone Program Integrity Contractor's (ZPIC) \$25 million extrapolated overpayment was invalid. At the first level of appeal, the hospice was vindicated, leaving a mere \$70,000 in dispute.
- Secured the elimination of a \$4.4 million extrapolated overpayment demand by a Zone Program Integrity Contractor (ZPIC). At the reconsideration level of appeal, Reinhart attorneys successfully argued that the statistical extrapolation had fundamental flaws and the Qualified Independent Contractor (QIC) agreed that the methodology was invalid.
- Secured withdrawal of a \$15 million extrapolated overpayment demand by a Zone Program Integrity Contractor (ZPIC). Prior to filing the first level redetermination appeal, Reinhart attorneys successfully argued that the payment demand had to be rescinded due to fundamental flaws in the statistical extrapolation. Achieving the withdrawal at this early stage allowed the client to avoid years of costly litigation and, due to the appeal backlog, the threat that the multi-million recoupment would begin before the case was heard by an administrative law judge (ALJ).
- Secured withdrawal of \$12 million extrapolated ZPIC audit finding prior to issuance of the demand letter. Within a few days of getting involved, the hospice team was able to persuade the Medicare Administrative Contractor (MAC) and the Zone Program Integrity Contractor (ZPIC) that fundamental errors had been made in the audit documentation review, rendering the overpayment determinations and statistical extrapolation inaccurate. As a result, the hospice was able to avoid a costly and time-consuming appeal to resolve this threshold matter.
- At the first level of appeal, successfully overturned 84% of the ZPIC's claim denials and secured removal of the extrapolation, reducing the \$7 million repayment to nearly \$96,000
- Won removal of an extrapolation decision in the initial appeal, resulting in the reduction of the overpayment from about \$6 million to nearly \$100,000
- Successfully defended one of the first federal hospice Medicaid Integrity Contractor audits by obtaining the withdrawal of nearly the entire \$3 million overpayment after the initial response
- Received favorable decisions from an administrative law judge on all beneficiary denials appealed in an extrapolated sample, reducing the overpayment from about \$4.6 million to just under \$40,000
- Successfully defended a state Medicaid audit that sought to recover more than \$6 million in nursing home room and board pass thru payments. After an initial response, the recoupment was reduced to about \$82,000.
- Represented a national hospice provider in its acquisition of hospice programs
- Successfully negotiated and closed the divestiture of a large hospice program
- Negotiated the transition of a hospice program on behalf of our client

- Represented a client who sought to achieve a benefit for transferring its hospice program
- Represented a joint venture in the exploration of a management service organization for hospice and long-term care businesses
- Worked closely with exempt clients to create legal structures and relationships with affiliates to achieve desired economic benefits

## Key Contact



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