

HOME CARE

Our Home Care Practice attorneys provide counsel to multiple home care agencies with respect to corporate, transactional, regulatory, reimbursement, compliance, wage and hour, wage parity enforcement, and litigation matters. With a broad understanding of the New York regulatory landscape, we help clients anticipate and respond to the increasingly complex rules governing the industry.

Hodgson Russ has been awarded a prestigious “Best Law Firms” National Tier 2 ranking by *Best Lawyers/U.S. News & World Report* in the Health Care Law category. Our Healthcare Practice is recognized by *Chambers USA: America’s Leading Lawyers for Business*.

Audits, Investigations, and Appeals

We represent home care providers in Medicare and Medicaid audits, investigations, and appeals government investigations and enforcement proceedings before the New York State Department of Health, Office of the Medicaid Inspector General, and Medicaid Fraud Control Unit; the Health and Human Services Office of Inspector General and Centers for Medicare and Medicaid Services; and the U.S. Department of Justice.

Health Care Litigation and Dispute Resolution

Hodgson Russ represents home care providers in federal and state court litigation, administrative challenges to governmental action, and arbitration proceedings with managed care organizations.

Health Care Mergers, Acquisitions, and Joint Ventures

We structure health care mergers, acquisitions, reorganizations, and joint ventures. We advise on the application of New York’s certificate of need requirements to proposed combinations. Our attorneys also provide guidance on antitrust, corporate, regulatory, and tax issues.

Wage Parity

Hodgson Russ represents home care providers in OMIG audits challenging compliance with Wage Parity Law. We assist clients with self-audits and compliance questions relating to Wage Parity, including the development of compliant Wage Parity plans.

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CDPAP

We advise fiscal intermediaries concerning establishment of CDPAP and the enrollment of consumers and personal assistants, negotiation of MLTC contracts and rates with managed care organizations, preparation of necessary policies and procedures for the CDPAP, and compliance with Wage Parity requirements for fiscal intermediaries.

Wage and Hour Compliance

We represent home care providers in federal and New York Department of Labor audits and wage and hour lawsuits. Hodgson Russ attorneys also assist home care providers in doing self-audits to ensure their compensation practices comply with complex wage and hour laws, including the Domestic Workers' Bill of Rights, spread of hours, split shift, call-in pay, and travel time.

Labor and Employment

Hodgson Russ attorneys advise home care providers concerning all aspects of their labor relations, including union avoidance and collective bargaining agreements, paid family leave and other leave laws applicable to employees, reasonable accommodation for employees with disabilities, immigration compliance, workers' compensation mitigation, unemployment insurance claims, wrongful terminations, noncompetition and confidentiality obligations for employees, and recruitment and hiring.

Health Care Transactions, Operations, and Contracts

We advise home care providers on contracting and corporate structuring issues and assist providers with analyzing and negotiating managed care contracts and forming independent practice associations (IPAs). We counsel clients on issues related to fraud and abuse, including the physician self-referral law (Stark) and the anti-kickback statute.

Health Care Reform

Hodgson Russ assists home care providers in responding to health care reform initiatives, such as the delivery system reform incentive payment (DSRIP) program, and accountable care organizations (ACOs). We also provide guidance on accessing reimbursement incentives (such as Medicaid Redesign Team (MRT) initiatives).

HIPAA and Privacy Issues

Our attorneys advise and represent covered entities and business associates on privacy matters under the Health Insurance Portability and Accountability Act (HIPAA), the federal rules governing the confidentiality of substance abuse treatment services, and New York State confidentiality laws. We assist providers in negotiating contractual relationships and managing privacy breaches and breach notifications.

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Medicare, Medicaid, and Other Reimbursement Issues

We advise home care providers on Medicare and Medicaid billing and reimbursement issues and assist them in analyzing the reimbursement consequences of alternative business structures. We represent providers in Medicare and Medicaid audits and appeals, including Medicare appeals before the Provider Reimbursement Review Board.

Real Estate

Our attorneys represent home care agencies in drafting and negotiating commercial leases for office space, managing tax credits, representing borrowers and lenders in financing matters related to real estate; securing regulatory approvals for and providing representation after completion of construction, including on leasing, refinancing, and sales.

In the News

Reetuparna Dutta Named to Class of 2022 “40 Under 40”
Buffalo Business First, September 14, 2022

Coronavirus Resource Center

2nd Circ. Says High Court Ruling Dooms Health Aides' Suit
Law 360, June 7, 2021

Information for Healthcare & Telehealth Providers
April 23, 2020

Home Care Attorney: Bill Eliminating 24-Hour Home Care Shifts Unlikely To Pass
Home Health Care News, September 30, 2019

Home-Based Care Providers Can't Afford to Overlook These Legal 'Sleeping Giants' in 2020
Home Health Care News, September 26, 2019

Albany Business Review - Industry Roundtable: Home Care
Albany Business Review, April 19, 2019

Buffalo Business First - Thought Leaders: Home Care
Buffalo Business First, April 19, 2019

Home Care Providers Avoid 13-Hour Rule Financial Disaster
Home Health Care News, March 28, 2019

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Buffalo Business First - Thought Leaders: Home health care industry struggles with recruitment, reimbursement shortfalls
Buffalo Business First, April 27, 2018

Press Releases

Reetuparna Dutta Named to *Buffalo Business First* Class of 2022 “40 Under 40”
September 16, 2022

Two Hodgson Russ Attorneys Selected to Author Monthly Columns in Tax Notes State
Hodgson Russ Press Release, April 27, 2020

Labor and Employment Attorney Charles H. Kaplan Joins Hodgson Russ
Hodgson Russ Press Release, March 24, 2020

Publications

Final New York State Budget Imposes New Requirements for New York Home Care Providers and Significant Financial Investments for the Health Care Industry
Hodgson Russ Home Care and Healthcare Alert, May 16, 2023

Medicaid Increases, CDPAP Premium Assistance Fund and Capital Projects for Hospitals and Other Providers Take Priority in Kathy Hochul’s FY 2024 Executive Budget Proposals for Healthcare Investments
February 7, 2023

New Year, New Home Care Laws: Medicaid-Funded Home Health Care Services Must Implement EVV by January 1, 2023
Hodgson Russ Home Care Alert, December 20, 2022

The Wait is Over: New York State Department of Health Releases the Licensed Home Care Services Agency Licensure Application
Hodgson Russ Home Care Alert, August 19, 2022

Heads-Up Home Care: DOH Extends Deadline for Wage Parity and Annual Compliance Certifications
Hodgson Russ Home Care Alert, May 5, 2022

New York Mandates New COVID-19 Testing and Reporting Requirements for Skilled Nursing and Adult Care Facilities
Hodgson Russ Healthcare Alert, May 11, 2020

COVID-19 Relief Package 3.5 Adds \$75 Billion to Provider Relief Fund
Hodgson Russ Healthcare Alert, April 24, 2020

NYS Budget Changes Establish Medicaid Long Term Care Provider Moratorium and LHCSA Contracting Process Thereby Reducing Access to Long Term Care Providers and Services
Hodgson Russ Home Care Alert, April 9, 2020

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New York and Federal Lawmakers Ease Professional Practice, Licensing, and Documentation Requirements in Response to COVID-19 Pandemic

Hodgson Russ Healthcare Alert, April 9, 2020

New York Limits Liability for Health Care Facilities, Professionals, and Volunteer Organizations Arising from the COVID-19 Emergency

Hodgson Russ Healthcare Alert, April 8, 2020

Presentations & Events

Hodgson Russ Hosts WNY HCP Annual Chapter Legislative Breakfast
Hodgson Russ, 140 Pearl Street, Buffalo, NY 14202, September 22, 2023

Employment Update: New Joint Employer Rule and New York State Paid Leave Law
October 9, 2020

COVID-19 and Home Care: Labor and Employment Guidance
March 17, 2020

The Fiscal Intermediary RFO: What you need to know now
December 27, 2019

Home Care Practice Webinar Series
December 9, 11 & 16

Senior Financial Managers Retreat
New Paltz, New York, September 6, 2019

Home Care Association Annual Conference
Saratoga Springs, NY, May 9, 2019

NYS Home Care Association Financial Managers' Conference
Troy, NY, April 8, 2019

Wage Parity: Getting Your LHCSA and CDPAS FI into Compliance
December 20, 2018

Wage and Hour Update: The Newest and Toughest Issues Facing Home Care
December 13, 2018