

# Poricanin

Practical Counsel. Industry Insight.

## Healthcare Industry Practice



# Overview of Poricanin's Healthcare Industry Practice

The healthcare industry in United States is marked by constant change, at the federal and state levels, unprecedented transformation and push towards consolidation, and unending opportunities for growth and market entry. Healthcare delivery and reimbursement is shifting toward value-based care and consolidation at a rapid pace, as systems, payors, and the government seek to join forces to tackle some of the industry's biggest challenges. Technology and digital health solutions are fundamentally transforming the operations and delivery of healthcare.

Serving providers in the healthcare industry, the attorneys and consultants at Poricanin use industry insights and experience to identify challenges and implement strategies when clients are faced with legislative and regulatory obstacles that challenge their market objectives, business operations and opportunities.





## ▶ Poricanin Counsels Companies in all Sectors of Healthcare Delivery

- Licensed home health care services agencies
- Certified home health care agencies
- Fiscal intermediaries
- Drug and alcohol rehabilitation providers
- Ambulatory surgery centers, urgent care centers, and their management companies
- Digital health companies
- Human services providers
- Payors
- Physician and dental practice management companies
- Nursing home chains
- Hospices
- Hospitals, large medical groups and academic medical centers
- Medical device, pharmaceutical and medical supply manufacturers and distributors

**Poricanin**

Healthcare Industry Practice

## ▷ Poricanin Maintains a Multidisciplinary Team to Meet All Healthcare Provider's Needs



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### Licensing, Certification, and Initial Accreditations

Poricanin works with providers with respect to initial licensing and/or accreditation before federal and State regulatory agencies, assisting providers with completing and satisfying licensing requirements and defending any application before an approval board, and helping draft responses to proposals and/or grant applications.

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### HIPAA and Privacy Issues

Poricanin advises and represents 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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### Nonprofit Organization and Governance Issues

We advise nonprofit health care boards on best practices in corporate governance and regulatory compliance. Poricanin assists in the development of charters and bylaws and the formulation of compliance policies. We also assist in conducting internal investigations relating to potential compliance violations, including whistle blower allegations, and in responding to inquiries from governmental agencies.

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### Governance and Compliance

Poricanin works with providers to satisfy any federal or State licensing conditions and any specific programmatic requirements. Some of the many services offered by the attorneys and consultants at Poricanin include:

- Establishment and implementation of policies and practices
- Management training on all healthcare matters, including HIPAA and corporate compliance requirements
- Serving as an “outside corporate compliance” officer for healthcare entities
- Providing guidance on internal audit and monitoring, risk assessment, and corrective measures
- Complying with all applicable personnel/employee requirements
- Advice on the fiduciary obligations of directors
- Assistance in conducting internal investigations relating to potential compliance violations, including whistle blower allegations
- Counsel regarding properly responding to inquiries from governmental agencies
- Advice concerning facility administration, physicians, and other licensed professionals on contract negotiations with third-party payors
- Counsel regarding purchases and sales of assets
- Advise providers regarding medical staff credentialing and disciplinary issues
- Guidance in the development, implementation, review, and revision of provider compliance programs.

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## Medicare, Medicaid, and Other Reimbursement Issues

Poricanin advises health care providers on Medicare and Medicaid billing and reimbursement issues and assists them in analyzing the reimbursement consequences of alternative business structures. We work with providers that predominantly rely on public payment sources, such as Medicaid and Medicare, in identifying and complying with all rules and regulations applicable to such providers. When problems arise, Poricanin represent providers in Medicare and Medicaid audits and appeals

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## Audits, Investigations, and Appeals

We represent providers in Medicare and Medicaid audits, investigations, appeals, and enforcement proceedings, and we assist providers in matters 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.

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## Health Care Litigation and Dispute Resolution

At Poricanin, we assist providers in federal and state court litigation, administrative challenges to governmental action (e.g., New York State Department of Health findings, OMIG audits, and in New York Attorney General subpoena investigations), and arbitration proceedings.





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## Health Care Mergers, Acquisitions, and Joint Ventures

Poricanin assists current and prospective providers in structuring health care mergers, sales/dispositions, acquisitions, reorganizations, and joint ventures. We advise concerning the application of New York's certificate of need requirements with respect to proposed transactions. We advise clients on 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.

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## Physicians, Licensed Professionals, and Group Practice Issues

We negotiate the purchase and sale of physician practices and advise on physician recruitment issues. We advise facility administration, physicians, and other licensed professionals on contract negotiations, third-party payor reimbursement, purchases and sales of assets, and medical staff credentialing and disciplinary issues. We represent physicians and other licensed health care professionals in disciplinary proceedings before their respective licensing boards.

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## Labor and Employment Matters

Poricanin works with providers concerning the recruitment, retention, and termination of employees, compliance with various labor and employment laws applicable to employees (including wage parity for home health care workers in New York State), negotiating collective bargaining agreements, defending class action wage and hour lawsuits, providing workplace training (e.g., anti-harassment training), representing employers before administrative agencies (e.g., EEOC, NYC Department of Consumer Affairs, Department of Labor) and defending employers in litigation involving allegations of discrimination, harassment, and retaliation.

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## Representative Matters

- Assisting providers with initial licensing and/or accreditation before federal and State regulatory agencies. s
- Working with providers to apply for and gain admission into various provider networks and then helping selected providers to establish and meet the programmatic requirements of the specific medical program and/or service.
- Assisting providers in establishing and implementing corporate compliance programs.
- Counseling providers on conditions of participation and compliance requirements established by various Medicaid and Medicare programs. with providers on Medicare and Medicaid billing and reimbursement.
- Conducting investigations based on complaints or whistle blower reports to determine if there have been improper claims made and whether self-disclosure and repayment is warranted. Working with providers who do self-disclose through all aspects of the process.
- Conduct self-audits of internal practices under attorney-client privilege to determine whether the provider is in compliance, and assist providers in implementing any remedial actions.
- Advise providers on personnel requirements, including requirements concerning immunizations, training for healthcare personnel, and OSHA matters.
- Prepare cease and desist letters for employees who violate noncompetition or non-solicitation obligations.
- Advise employers concerning whistle blower complaints.
- Provide training to healthcare providers supervisors' regarding management of personnel, to account for the various healthcare requirements and federal and State labor and employment laws.
- Prepare corporate compliance policies to ensure the healthcare entity has a culture of compliance and can weather any compliance-related challenges, including working on developing written policies and procedures for all staff, designating the compliance officer and creating reporting channels and communication channels, providing training and education, and assisting employers in responding to offenses.
- Assist providers in preparing for emergency preparedness drills, and how to comply with federal and state mandates regarding emergency preparedness.
- Attend Board of Trustees or Board of Directors meetings to advise on self-disclosure and compliance matters.
- Evaluate wage and hour and compensation practices of providers and advise on how to properly pay employees to comply with federal and State overtime laws.
- Assist providers in disputes with payors, including managed care organizations.
- Develop employment-related policies, such as drug and alcohol testing policies, code of conduct, employee leave policies, and compensation procedures.
- Prepare proposals in response to RFPs for services for various federal and state grants and other programs.
- Work with healthcare providers to ensure annual training requirements (e.g., sexual harassment training in New York) is implemented in compliance with State requirements.
- Train direct-care staff on confidentiality requirements, HIPAA, corporate compliance, record-keeping and reporting, code of conduct, and dispute resolution.
- Prepare applications for fiscal intermediaries before New York Department of Health.
- Advise providers related to compliance with federal and state laws concerning marijuana (recreational and medicinal).



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