We leverage our extensive experience and professional relationships to optimize our clients’ opportunities and minimize recoupment exposure under the Medicare and Medicaid programs.

Spanning multiple areas of law, our attorneys have a deep understanding of the complex rules and regulations governing state and federally funded Medicare and Medicaid programs. We assist with reimbursement and payment disputes—and even set precedent—while helping clients.

Setting Precedent

We were successful in the first case challenging Centers for Medicare and Medicaid Services (CMS) policies regarding inclusion of both private health insurance and Medicare payments in disproportionate share hospital (DSH) limit calculations when the U. S. District Court of New Hampshire granted summary judgment on behalf of our clients, the New Hampshire Hospital Association (NHHA) and four New Hampshire hospitals.

Representing a broad range of clients, we work with all levels of the Department of Health and Human Services and its state counterparts to help navigate legal, compliance and policy issues.
Representative experience

— Defending a potential nine-figure recoupment claim based on allegations of improper cost accounting on behalf of a DSH academic medical center
— Successfully reduced initial recoupment demands of $15 million+ to settlement at less than $150,000 in six Office of Inspector General coding audits challenging audit coding adjustments and extrapolation calculations
— Represented several hospitals and health systems on state coding recoupment demands from Illinois Department of Healthcare and Family Services related to Medicaid reimbursement
— Represented hospital providers in resolving lab charge audits
— Secured a preliminary injunction against the defendants while representing the NHHA, Dartmouth-Hitchcock Healthcare, LRGHealthcare, Speare Memorial Hospital and Valley Regional Hospital in a lawsuit against CMS regarding proper calculation of uncompensated care for DSH payments. As a result of the correct calculation, $30 million+ of additional payments were distributed to New Hampshire hospitals
— Negotiated a major settlement of complex issues relating to New Hampshire’s Medicaid program for a group of hospitals, resolving long-standing disputes regarding adequacy of Medicaid reimbursement rates and constitutionality of a provider tax. Legislation implementing this agreement became law in 2014
— Identified potential Medicare overpayments and appropriate self-disclosure to the government for a prominent New York teaching hospital in an investigation regarding billing for radiology services
— Identified and negotiated on appropriate self-disclosures to State Public Aid officials for an Illinois health clinic concerning appropriate service rate limits

About Nixon Peabody LLP

At Nixon Peabody, we see 21st century law as a tool to help shape our clients’ futures. We are constantly thinking about what is important to our clients now and next so we can foresee obstacles and opportunities moving forward.