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LEGAL UPDATES

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I. Employment Law Updates

Summary: No major legal development, but new trends in the marketplace impacting and changing existing laws.



A. COVID-19 Updates

1. Mandates

2. Safety Standards



A. COVID-19 Updates Continued

1. Mandates
 - a. Status of Law:
 - i. Conditions of Participation Mandates
 - ii. Federal Contractor
 - b. Exemptions:
 - i. Reasonable Accommodations
 - ii. Review/Oversight
 - c. Issues:
 - i. Timing of Starts
 - ii. Partially Vaccinated



A. COVID-19 Updates Continued

2. Safety Standards

a. ETS:

- i. No longer governing; awaiting new standards.

b. OSHA:

- i. Audits
- ii. Oversights
- iii. General Duties

c. State Laws:



B. Recruitment and Retention Plan

1. Consider Signing or Referral Bonuses
2. Retention Bonus
3. Student Loans
4. Review Benefits – Mental Health Benefits
5. Alternative Scheduling



C. HIPAA/Cyber Security

1. Professional Attacks
2. More common: employees violating the law
3. Accidental breaches





II. Healthcare Fraud and Abuse Law Updates



A. Main Laws

1. Anti-Kickback Statute (AKS)
2. The Stark Law (Stark)
3. Civil Money Penalty
4. False Claims Act (FCA)



B. Enforcement

1. FCA: Incorrect Billing
2. Opiates
3. Physician Compensation
4. Vendors



C. New Proposed Safe Harbors and Exceptions

1. Anti-Kickback Statute
2. The Stark Law



D. Risk Areas

1. Physician Compensation
 - a. Employment Agreements / Recruitment Agreements
 - Employment AKS Safe Harbor and Stark Exception
 - b. Other Compensation Arrangements
 - Personal Services AKS Safe Harbor and Stark Exception
 - c. Requirements
 - Fair Market Value, Commercial Reasonable, Business Necessity, and Varying Volume or Value of Referrals
 - d. Valuation
 - i. AKS and Stark Definition
 - ii. Practical Guidelines



D. Risk Areas (Continued)

2. Vendor Relationships

- a. Discounts/Warranties/Compensation
- b. Physician Relationship
- c. Vendor Credentialing Recommended





III. Service Agreements



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1. Inflation and Cost Escalators
 2. Consider the Length of the Term
 3. Excluded Providers
 4. Consider Force Majeure Provisions





IV. Medical Staff Issues



Questions?



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