

# Bond

## Health Law 101

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## What is Health Care

- Providers
- Patients
- Payors



## Providers

- Hospitals
- Physicians
- Physician Extenders  
Nurse Practitioners  
Physician Assistants



## Providers

- Other Health Care Professionals
  - Occupational Therapists
  - Physical Therapists
  - Speech Therapists
  - Nurses
  - Psychologists
  - Licensed Clinical Social Workers
  - Licensed Mental Health Counselor
  - Applied Behavior Analysts



## Providers

- Long Term Care Providers
  - Nursing Homes
  - Home Care Providers
    - Certified Home Health Agencies
    - Licensed Home Care Services Agencies
    - Consumer Directed Personal Assistance Program



## Providers

- Substance Abuse Providers
  - Inpatient
  - Outpatient
- Mental Health Providers
  - Inpatient ○ Outpatient
  - Housing
  - Community Supports





## Providers

- Individuals with Developmental Disabilities
  - Community Residences
  - Day Programs
  - Respite Services



## Providers

- Hospice
- Ambulance and Ambulettes
- Pharmacies and Pharmacists
- Pharmaceutical Companies
- Durable Medical Equipment

## Recipients

- Patients
- Consumers
- Everybody



## Payors

- Medicare
- Medicaid
- Employer Provided Insurance
  - Indemnity, HMO, PPO
- CHAMPUS
- Individually Purchased Insurance
- Workers' Compensation Insurance
- Individuals



## Medicare

- Health Insurance for the Elderly
  - 65+ (some exceptions)
- Federally funded
  - Participants pay premiums based upon income
  - Premiums higher if individual does not join when first eligible

## Medicare

- Part A
  - Hospitalization (Major Medical)
  - Everyone takes
- Part B
  - Physician coverage
  - Optional

## Medicare

- Part C
  - Medicare Advantage
    - Can be more comprehensive coverage
    - Replaces Part A and Part B
  - Optional
- Part D
  - Prescription Coverage
  - Optional



## Medicare – What's Missing

- Long Term Care
- Does Not Pay For Custodial Care
  - No long term nursing home
  - No long term home care
- Does Pay For Up To 100 Days of Post-Acute Rehabilitation Care



## Medicare

- Sets coverage standards that are largely followed by other insurers
- Typically does not pay for experimental treatments
- Most but not all eligible health care providers participate
- Overly broad rule of thumb – state licensed health care professionals are eligible



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## Medicaid

- Joint Federal/State Program
  - In New York, Counties and NYC participate
- Federal government sets broad standards
- State can fill in may details
- Federal government sets minimum coverage standards
- State can choose to provide optional coverage



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## Medicaid

- Health Insurance for the Poor
- May Qualify Due To a Condition or By Financial Circumstances
- Income and Family Size
- Maximum Property Standards (Resources)
- Incurred Medical Bills May Create Eligibility (Spend Down)



## Medicaid -- Income

2019 Income & Resource Levels* Effective January 1, 2019					
Family Size	Net Income for Individuals who are Blind, Disabled or Age 65+		Medicaid for Income Level for Single People, & Couples without Children		Resource Level (Individuals who are Blind, Disabled or Age 65+ ONLY)
	Annual	Monthly	Annual	Monthly	
1	\$10,300	\$859	\$17,237	\$1,437	\$15,450
2	\$15,200	\$1,267	\$23,336	\$1,945	\$22,800
3	\$17,480	\$1,457	\$29,436	\$2,453	\$25,013
4	\$19,760	\$1,647	\$35,535	\$2,962	\$28,275
5	\$22,040	\$1,837	\$41,635	\$3,470	\$31,539
6	\$24,320	\$2,027	\$47,735	\$3,978	\$34,800
7	\$26,600	\$2,217	\$53,834	\$4,487	\$38,064
8	\$28,880	\$2,407	\$59,934	\$4,995	\$41,325
9	\$31,160	\$2,597	\$66,033	\$5,503	\$44,588
10	\$33,440	\$2,787	\$72,133	\$6,012	\$47,850
For each additional person, add:	\$2,280	\$190	\$6,100	\$509	\$3,263



## Medicaid -- Resources

Non-MAGI	MAGI
Disabled, 65+ or Blind ("DAB" or SSI-Related) and have Medicare	(< 65, Does not have Medicare)(OR has Medicare and has dependent child < 18 or < 19 in school)
2019	138% FPL***
	2018 Levels. 2019 Levels
	Not Available until early 2019

	1	2	1	2	3
<b>I</b>		<b>\$1267</b>			
<b>n</b>		(up			
<b>c</b>	<b>\$859</b> (up	from			
<b>o</b>	from \$842	\$1,233	\$1,397	\$1,893	\$2,390
<b>m</b>	in 2018)	in			
<b>e</b>		2018)			
<b>R</b>					
<b>e</b>		<b>\$22,800</b> (up			
<b>s</b>		from			
<b>o</b>	<b>\$15,450</b> (up	\$22,000			
<b>u</b>	from \$15,150	o in			
<b>r</b>	in 2018)	2018)			
<b>c</b>					
<b>e</b>					

NO LIMIT\*\*



## Medicaid – Selected Special Rule

- Spousal Impoverishment
  - Special Income and Resource Rules
- Community Spouse
  - Income
    - \$14,850
  - Resources
    - \$74,820
    - Plus certain other assets



## Representing Providers

- Medicare and Medicaid Rules are Strict
- Eligible Providers Are Licensed
- Limitations on Referrals
- Anti-Kickback and Stark Laws
- Must follow Billing Standards Precisely
- Must Return Payments Improperly Received
- Heavy Civil and Criminal Penalties
- *Qui Tam* Actions – Private Enforcement



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## Workers Compensation

- Injured Workers
- Every Employer Must Have Approved Coverage
- Has Its Own Eligibility and Payment Standards
- Has Its Own Provider Standards
- Has Its Own Payor and Service Provider Standards
- Unique Set of Rules



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## Other Payors

- Insurers
  - Indemnity, HMOs, PPOs
- Set Their Own Standards
  - Minimum State Standards for Insurers
  - Minimal Federal Standards for Self-Insurers
- Empanel Providers
- In-Network and Out-of-Network Standards
  - Payment rates can differ
  - Vexing for providers and Payors



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## Practice Guidance

- Representing Providers
  - Assume Its Confidential
  - Business Arrangements May Be Counter-Intuitive
  - Write It Down; Sign It, Date It
  - If It's Not Yours, Don't Keep It
  - Heavily Regulated
    - Federal Standards
    - State Standards
    - Licensing Standards
    - Importance of Compliance Standards



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## Practice Guidance

- Representing Patients
  - Examine Eligibility Rules
  - Examine Professional Standards
  - Regulatory Agencies May Be Helpful
  - Know What Is A Win

