



Paula G. Sanders

Principal
Co-Chair, Health Care Practice Group

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Represents clients on both substantive and procedural aspects of health facility regulation, such as surveys; licensure; Medicare/Medicaid; compliance; RAC, MIC, PERM, CERT, and ZPIC audits; accreditation; payment matters; HIPAA; fraud and abuse, False Claims Act investigations and voluntary disclosures.

Bio

Paula G. Sanders is a Principal and Co-Chair of the Firm's Health Care Practice Group, where she focuses her national practice exclusively on health care law. She represents clients on both substantive and procedural aspects of health facility regulation, such as surveys; licensure; Medicare/Medicaid; compliance; RAC, MIC, PERM, CERT and ZPIC audits; accreditation; payment matters; HIPAA; fraud and abuse, False Claims Act investigations and voluntary disclosures. She vigorously advocates for her clients before multiple regulatory and law enforcement agencies and is especially successful at coordinating an integrated response to her clients' issues.

Ms. Sanders represents national, regional, and single-site proprietary, non-profit and governmental providers across the full continuum of care. Her post-acute care clients include continuing care retirement communities (CCRCs), long-term care facilities, personal care homes, assisted living providers, hospices, home health agencies, rehabilitation providers, and adult daycare centers. She is also actively involved with academic medical centers, hospitals and health systems, institutional pharmacies, durable medical equipment (DME) companies, and mental health and developmental disability providers. In addition to institutional providers, Ms. Sanders also advises licensed professionals, management companies, billing companies, trade associations and serves as general counsel to a reciprocal risk retention group that insures nursing homes, personal care homes, and adult day care providers.

Her practice is both pro-active and crisis intervention-based. Ms. Sanders assists her clients with transactional and strategic matters such as changes of ownership (CHOWs), contract negotiations, and provider-based determinations. She routinely develops preemptive programs for clients in auditing, monitoring, and other issues, while also providing defense assistance to a wide range of providers on matters ranging from Medicare and Medicaid audits to program integrity, voluntary disclosures, and licensure terminations.

Ms. Sanders has developed a special practice working with nursing homes that have been placed on the Federal Special Focus Facility (SFF) list. Through her efforts, several facilities have graduated from the SFF list, avoiding termination and closure. Ms. Sanders has negotiated Systems

Practices

- Health Care
- Health Care Litigation Services
- Health Care Regulatory Services
- Health Care Transaction Services
- Internal Investigations & White Collar Defense
- Coronavirus (COVID-19) Task Force

Industries

- Health Care
- Private Equity & Venture Capital

Education

- J.D., *Magna Cum Laude*, Dickinson School of Law, 1988
Woolsack Society
- B.A. in English, *Magna Cum Laude*, Dickinson College, 1980
Phi Beta Kappa

Bar Memberships

- Pennsylvania

Court Admissions

- U.S. Supreme Court
- U.S. Court of Appeals, Third Circuit
- U.S. District Court for the Eastern District of Pennsylvania
- U.S. District Court for the Middle District of Pennsylvania
- Supreme Court of Pennsylvania

Improvement Agreements (SIAs) with state agencies and the Centers for Medicare and Medicaid Services (CMS) to provide her clients with additional time to improve their internal systems and the quality of care they provide.

Ms. Sanders is on the Editorial Board of Eli Healthcare's *Long Term Care Survey Alert*. She is an appointed member of the legal committees of the American Health Care Association and LeadingAge. Ms. Sanders was named a Pennsylvania Super Lawyer for Health Care on multiple occasions, and regularly speaks and presents on health care topics to state, national, and international audiences.

Representative Cases

- Conducted internal investigation for non-profit hospice regarding potential documentation issues supporting eligibility, length of stay and medical necessity. Investigation resulted in a voluntary disclosure to Department of Justice (DOJ) and Office of Inspector General (OIG) of approximately \$10 million with no corporate integrity agreement. Estimated cost avoidance for provider in excess of \$75 million.
- Negotiated favorable settlement with the DOJ and OIG with nominal repayment and no corporate integrity agreement. The case involved a national nursing home chain in alleged worthless services quality of care investigation. - Obtained \$1.2 million recovery for Medicaid providers who challenged cost report audit findings.
- Successfully settled with contracted therapy company for indemnification of certain damages, significantly reducing provider's financial exposure. The case involved a multi-state skilled nursing provider in a Zone Program Integrity Contractor (ZPIC) investigation of alleged ultra-high therapy overutilization.
- Prevented closure of a personal care home whose license had been revoked. The process included successful appeal and settlement of underlying allegations, resulting in continued operation, rescission of civil money penalties and return to full licensure.
- Developed compliance and ethics program for multi-state institutional pharmacy provider. Trained staff about Stark and Anti-Kickback risks related to marketing and pricing.
- Represented client in voluntary disclosure to OIG concerning unknowing employment of an excluded nurse. OIG sought recovery in excess of \$500,000; case was resolved for \$265,000.
- Assisted mental health and developmental disability (behavioral health) provider with internal investigation and submission of voluntary self-disclosure to state Bureau of Program Integrity regarding insufficient documentation to support certain claims, thus avoiding potential penalties.
- Achieved relief for national health system from threatened closure of certain inpatient services provided in outpatient clinics through negotiations with state licensure agency. - Won an independent dispute resolution (IDR) challenging a nursing home deficiency alleging improper care that had been cited as causing widespread harm.
- Successfully defended a home-health agency undergoing Program Safeguard (PSC) audit, avoiding many adverse findings.
- Represented individual providers (including nurse, chiropractor, physician, social workers and dental assistant) in demonstrating good cause to the OIG for declination of permissive exclusion related to professional licensure actions.
- Responded to internal hotline complaints about alleged therapist misconduct at skilled nursing facility, resulting in internal investigation

and voluntary disclosure to OIG. Prevented filing of qui tam lawsuit by working with complainant to resolve allegations.

- Challenged and obtained removal of immediate jeopardy citations and penalties arising from CMS survey of hospital-affiliated skilled nursing facility.
- Challenged CMS policy regarding citation of immediate jeopardy for glucometer usage, resulting in removal of immediate jeopardy citation for client and revision of national policy.
- Represented hospital radiology department before Pennsylvania Department of Environmental Protection and negotiated settlement regarding mammography services.
- Assisted national chains (hospitals, nursing homes, hospices, home health agencies, laboratories, and pharmacies) undergoing corporate reorganization or traditional changes of ownership with Medicare, Medicaid, and state licensure CHOW processes, including completion of appropriate CMS 855 forms.
- Advised management company about potential Stark issues related to certain physician arrangements and contracts.
- Avoided a formal case being opened after learning of a preliminary investigation of alleged quality-of-care issues at a regional nursing home by contacting U.S. Attorney's Office and advising of our representation, resulting in timely discussions with client and investigators.
- Organized coalition of nursing home trade associations to assist state in development of a more user-friendly policy regarding the reporting and financial ramifications of preventable serious adverse events.

Selected Publications & Interviews

- "Prepare For CMS Scrutiny Of Nursing Home Infection Surveys," *Law360* (June 12, 2020)
- "Nursing Homes Shocked at 'Insanely Wrong' CMS Data on COVID-19," *MedPage Today* (June 9, 2020)
- "Survey and Documentation Requirements Present Challenges to LTC During Pandemic," Society for Post-Acute and Long-Term Care Medicine (PMDA) (June 2020 Newsletter)
- "Universal coronavirus testing at Pennsylvania nursing homes? Some say it's 'an idea without a plan.'" *Philadelphia Inquirer* (May 14, 2020)
- "From Dorms to Tents, Hospitals Adapt for COVID-19; Some Patients Are Stuck," *Report on Medicare Compliance*, Volume 29, Number 18 (May 11, 2020)
- "Questionable Survey Enforcement Policies Require Heightened Preparation," *PADONA Newsletter* (January 2017)
- "Get Ready for Increase in CMPS; Stakes are Raised for Compliance," *Report on Medicare Compliance* (September 12, 2016)
- "Surveyors Will Request And Review Policies and Procedures that Prohibit Staff from Taking, Keeping, and/or Distributing Photographs that Demean or Humiliate Residents Starting September 5, 2016," *PADONA Newsletter* (September 2016)
- "New Rules for Practitioners," *PADONA Newsletter* (June 2016)
- Quoted in, "Hospital Settles Case Over Free Discharge Planning from Home Health Agencies," *Report on Medicare Compliance* (May 2, 2016)
- Quoted in, "SNF Therapy Contractor Settles for \$125M, but SNFs Settle Too," *Report on Medicare Compliance* (January 18, 2016)
- Featured in, "Staying on the right side of compliance," by Elizabeth Leis Newman, Senior Editor, *McKnight's* (October 9, 2015)

- Quoted in, "OIG alert hints at increased scrutiny over health IT data blocking," by Lisa Schencker, Reporter, *Modern Healthcare* (October 8, 2015)
- "CMS Releases New Civil Money Penalty Analytic Tool for Survey Deficiencies Which Can Result in CMPs Exceeding \$100,000," *PADONA Journal* (January-April 2015)
- "Expert says providers often wrongly threatened by PEPPER reports," *McKnight's Long Term Care News* (October 21, 2014)
- "Coming Soon: Electronic PEPPER Reports," *PADONA Journal* (May-August 2014)
- "Government Focus on Quality of Care Highlights Need for Greater Director Involvement in Quality Assurance," Pennsylvania's Association for Long Term Care Medicine (PMDA) Spring 2014 Newsletter (May 1, 2014)
- "Compliance guide to PEPPERS for skilled nursing facilities," HCCA's *Compliance Today* (March 2014)
- "New Changes to Clinical Lab Act May Affect Nursing Homes," *PADONA Journal* (January-April 2014)
- "CMS Lays Out RAC Changes That Will Occur When Program Resumes," *Inside CMS*, Vol. 17, No. 9 (February 27, 2014)
- "How RAC Pause Will Affect Therapy Manual Medical Reviews Is Unclear," *Inside CMS*, Vol. 17, No. 9 (February 27, 2014)
- "Recovery audits: SNF psychiatric conditions," *Long-Term Living Magazine* (January 2, 2014)
- "Will Your Documents Withstand Scrutiny?," *PADONA Journal* (January-April 2013)
- "Clarifying The Impact Of DPW's 'Provider Preventable Conditions' Bulletin On Nursing Homes," *PADONA Journal* (September-December 2012)
- "New Focus on Emergency Preparedness," *PADONA Journal* (May-August 2012)
- "Prepare for Impact of 'Never Events' on Post-Acute Care," *Long Term Living* (February 2012)
- "New DPW Requirement to Check Exclusion Lists Monthly," *PMDA* (Fall 2011)
- "CMS Clarifies Special Focus Facility Scoring Methodology," *PADONA Journal* (October-December 2008), and *American Society for Long Term Care Nurses Journal* (Winter 2008)
- "State Board of Nursing Issues Proposed Regulations for CRNPs," *PADONA Journal* (October-December 2008), and *American Society for Long Term Care Nurses Journal* (Winter 2008)
- "Pennsylvania Medicaid Implements New Tort Recovery Policies and Procedures," *PADONA Journal* (October-December 2008), and *American Society for Long Term Care Nurses Journal* (Winter 2008)
- "The Survey Clock is Ticking: Life Safety Code Violations May Extend Compliance Periods," *PADONA Journal* (July-September 2008)
- "Strengthening Internal Control: Considerations for Board and Management," *New Perspectives* (May 2008)
- "Are Registered Sex Offenders in Your Midst?" *Contemporary Long-Term Care* (July/August 2007) (Co-authored with Barbara Zemlock)

Selected Speaking Engagements

- Looking Beyond the Immediate COVID-19 Crisis: What You Can Be Doing Now, Pennsylvania Health Care Association's (PHCA) 2020 Virtual Convention & Trade Show (November 10, 2020)
- Challenges and Solutions for your Regulatory Pressure Points, Pennsylvania Coalition of Affiliated Healthcare & Living

- Communities (PACAH) Virtual 2020 Fall Conference (September 30, 2020)
- The New Normal? Changes in Surveys and Enforcement, PHCA Webinar (August 25, 2020)
 - Allegations of Abuse and Neglect: Understanding Regulatory, Reputational, and Criminal Exposures, 2020 Virtual LeadingAge PA Annual Conference and Expo (August 19, 2020)
 - CMS Mandates On-Site Focused Infection Control Surveys: Implications and Strategies, PHCA Webinar (June 5, 2020)
 - Truth or Fiction: COVID-19 Reporting in Pennsylvania, PHCA Webinar (June 5, 2020)
 - Nursing Facility Compliance & Survey Update, LeadingAge PA Webinar (January 29, 2020)
 - Legal Perspective: Survey Risks and Proactive Strategies, Clinical Consulting Services, 4th Annual Clinical Excellence Summit, Harrisburg, PA (December 11, 2019)
 - Oversight Without Overstepping: New ROPs Obligations for Governing Bodies, co-presented with K. Dreisbach and J. Mack, LeadingAge Annual Meeting & Expo, San Diego, CA (October 28, 2019)
 - Engaging Boards in Compliance and Quality: Oversight and Responsibility Workshop, FSA Compliance & Risk Management, King of Prussia, PA (September 25, 2019)
 - Keynote Speaker, Regulatory Update, FSA Compliance and Risk Management Conference, King of Prussia, PA (September 25, 2019)
 - Proving Corrected Past Noncompliance to Reduce Risk, Pennsylvania Health Care Association (PHCA) 2019 Annual Convention and Trade Show, King of Prussia, PA (September 24, 2019)
 - Managing Long-Term Care Survey Data and Adverse Events, AHIMA Health Data and Information Conference, Chicago, IL (September 17, 2019)
 - Are You Ready for Phase 3 of the ROPs? PADONA's 31st Annual Convention, Hershey, PA (April 3 - 5, 2019)
 - Criminal Liability for Abuse and Neglect: New Law and New Risks, PHCA Webinar (November 27, 2018) (Click here for a recorded version)
 - CMS'S New Enforcement Policies and How to Use Them to a Facility's Advantage, PHCA Annual Convention & Trade Show, King of Prussia, PA (November 14, 2018)
 - Regulatory Update, 5th Annual PCCP Compliance and Risk Management Conference, King of Prussia, PA, (October 3, 2018)
 - Legal Potpourri: What's New for 2018/2019, Pennsylvania Coalition of Affiliated Healthcare & Living Communities (PACAH) 2018 Fall Conference in Pocono Manor, PA (September 25, 2018)
 - Strategies for Surviving the Survey, *McKnight's Long-Term Care News'* 2018 Online Expo (March 14, 2018)
 - Resident Behavior & Facility Practices: Admissions, Transfers, and Discharges, LeadingAge PA Webinar (March 6, 2018)
 - Freedom from Abuse, Neglect, and Exploitation, LeadingAge PA Webinar (February 20, 2018)
 - The New Survey Process – What to Expect, Pennsylvania Health Care Association (PHCA) Webinar, February 14, 2018.
 - Surviving in the Increased Survey Enforcement Environment, LeadingAge PA 2017 Annual Conference & Expo, Hershey, PA (June 21, 2017)
 - Get Ready for Phase 1 of the New Requirements of Participation, PADONA 29th Annual Convention, Hershey, PA (March 30, 2017)
 - Final ROP: Things You Need To Do And Suggestions On How To Get Them Done (co-presented with B. Duffy and N. Impink), HCCA 21st Annual Compliance Institute, National Harbor, MD (March 26, 2017)
 - Update on CMS Regulatory Changes: Implications and Challenges (co-presented with B. Lim, M.D.), AMDA 2017 Annual Conference, Phoenix, AZ

(March 18, 2017)

- Strategies for Surviving the Survey, *McKnight's Long-Term Care News'* 11th Annual Online Expo (March 14, 2017)
- Get Ready for Phase 1 of the New Requirements of Participation, PHCA Webinar (November 7, 2016)
- CMS New Requirements of Participation: Phase One Implementation Effective November 28, 2106, PACAH Webinar (November 3, 2016)
- Legal Update for Compliance and Risk Management, 2016 PHCA Annual Convention & Trade Show, Lancaster, PA (September 27, 2016)
- Rehab Settlement Trends and What You Should Be Asking Your Therapy Provider – Legal Update, Peace Church Compliance Program, King of Prussia, PA (September 15, 2016)
- Legal Update for Compliance and Risk Management, Peace Church Compliance Program, King of Prussia, PA (September 15, 2016)
- Regulatory Trends Update, LeadingAge PA Annual Conference and Exposition, Hershey, PA (June 16, 2016)
- What Your Board Needs to Know About Compliance, LeadingAge PA Annual Conference and Exposition, Hershey, PA (June 15, 2016)
- The Focus on Individual Accountability Increases: Fundamentals of OIG Discretionary Exclusions, American Health Lawyer Association Webinar (May 4, 2016)
- Strategies for Surviving Surveys and Improving Five Star Ratings, PACAH 2016 Spring Conference, Seven Springs, PA (April 28, 2016)
- "Criminal Background Checks After the Peake Decision: What You Need to Know to Remain Compliant," Pennsylvania Health Care Association (PHCA) Webinar (April 26, 2016)
- "Understanding Compliance Responsibilities: What OIG Thinks Your Board Needs to Know," (co-presented with Cynthia A. Haines) ACHCA 22nd Annual Winter Marketplace, Las Vegas, NV (December 5, 2015)
- "Legal and Regulatory Update," PCCP Compliance Official Meeting, King of Prussia, PA (November 19, 2015)
- "Prepare Now for Increased Survey Scrutiny and More Rigorous Sanctions," PHCA/CALM 2015 Annual Conference, Valley Forge, PA (November 10, 2015)
- "SNF Compliance and Ethics Programs: What's at Stake?," AHCA/NCAL Annual Convention, San Antonio, TX (October 6, 2015)
- "What to do When the Government Comes to Call?," Daneen and Associates, Inc. Conference "Success: A Unified Team," Bethlehem, PA (October 1, 2015)
- "CMS Proposed SNF Regulations to Cost \$726 Million in Year One, \$47,000 Per Facility – What You Can Do Now!," PHCA/CALM Webinar (September 8, 2015)
- "The Relationship Between the State Attorney General and Plaintiff's Firms," Risk Legal Group Conference, Chicago, IL (August 6, 2015)
- "Compliance: What It Means for Your Organization," Leading Age, 2015 Meeting and Expo, Hershey, PA (June 19, 2015)
- "Palliative Care in Long-Term Care Update: Practical Pointers, Policies, Programs and Regulatory Pitfalls," American Geriatrics Society, 2015 Annual Scientific Meeting, National Harbor, MD (May 14, 2015)
- "Audits , Investigations and Inspections: Legal and Financial Considerations," Addis Group's Healthcare Center of Excellence: Compliance, Regulatory, Legal and Risk Management Issue in Long Term Care Environments (May 12, 2015)
- "Integrating Compliance, Risk and Quality Assurance in a Long-Term Care Facility," (co-presented with Donna Thiel), HCCA 19th Annual Compliance Institute, Lake Buena Vista, FL (April 20, 2015)

- "Effective Documentation: Strategies for Success," 27th Annual Pennsylvania Association Of Directors Of Nursing Administration (PADONA) Convention, Hershey, PA (March 24, 2015)
- "Serious Adverse Events: Pennsylvania's Approach for Reducing Events and Prohibiting Payment," AMDA Annual Convention, Louisville, KY (March 20, 2015)
- "New CMS Survey Initiatives Require Immediate Attention," PHCA/CALM webinar (March 17, 2015)
- "Act 31 and Child Protective Services Law: What You Need to Know," LeadingAge PA webinar (February 26, 2015)
- "Palliative Care in Long-Term Care Update: Practical Pointers, Policies, Programs and Regulatory Pitfalls," Preconference Workshop, AAHPM & HPNA Annual Assembly, Philadelphia, PA (February 25, 2015)
- "Ethics Update," Central Pennsylvania Healthcare Financial Management Association, A&A, Tax and Ethics Update, Summerdale, PA (November 18, 2014)
- "Preventable Serious Adverse Event (PSAE) Update," PHCA/CALM 2014 Annual Convention & Trade Show, King of Prussia, PA (November 11, 2014)
- "Creating Innovative Service Delivery Systems for Dual Eligible Beneficiaries," (co-presented with M. Frances Grabowski, Esquire), LeadingAge Annual Meeting and Expo, Nashville, TN (October 22, 2014)
- "Reading and Using the PEPPER Report," (co-presented with Stephanie Kessler, RKL) LeadingAge Annual Meeting and Expo, Nashville, TN (October 20, 2014)
- "Medicare and Medicaid Audits and Investigations," The American Health Care Association (AHCA)/National Center of Assisted Living (NCAL) 63rd Annual Convention and Expo, Washington, D.C. (October 8, 2014)
- "PEPPER: Tools for Improving Compliance," LeadingAge Webinar (July 23, 2014)
- "The New PEPPER Made Simple," (co-presented with Stephanie Kessler, RKL), LeadingAge Webinar (July 10, 2014)
- "Clinical Lab Services to Change by September 15, 2014: What You Need to Know," Pennsylvania Health Care Association (PHCA) Webinar (June 16, 2014)
- "What You Need to Know about the 2014 PEPPERS Reports," Pennsylvania Health Care Association (PHCA) and the Center for Assisted Living Management (CALM) Webinar (June 3, 2014)
- "2014 Review of the OIG Work Plan for Post-Acute Providers," HCCA's 18th Annual Compliance Institute, San Diego, CA (March 31, 2014)
- "Compliance in the Post Acute Environment," HCCA's 18th Annual Compliance Institute, San Diego, CA (March 30, 2014)
- "Preparing for and Surviving a ZPIC Audit," National Hospice and Palliative Care Organization's (NHPCO) 29th Management and Leadership Conference, National Harbor, MD (March 28, 2014)
- "How to Create, Implement and Maintain a Compliance Program," AHLA's Long Term Care and the Law Conference, Las Vegas, NV (February 19-21, 2014)
- "Reading and Using the PEPPER Report," Webinar sponsored by PANAC (December 9, 2013)
- "Legal Update: Regulatory Changes in Long Term Care," PACAH Annual Conference, Seven Springs, PA (October 2, 2013)
- "Preparing for the UPICs [Unified Program Integrity Contractor]," PACAH Annual Conference, Seven Springs, PA (October 3, 2013) (with Fran Grabowski and Sarah C. Yerger)
- "Legal Update: Nursing Home Compliance Issues" (October 28, 2013); "Mandatory Compliance: What It Means for Your Organization" (October 30, 2013), LeadingAge Annual Meeting & Expo, Dallas, TX

- "Preparing for Government Audits and Investigations," PHCA/CALM Annual Convention & Exposition, Seven Springs, PA (September 17, 2013) (with Fran Grabowski)

Affiliations

National:

- American Bar Association Health Law Section American Health Care Association (AHCA)
- Appointed Member, Legal Committee
- American Health Lawyers Association (AHLA) Health Care Compliance Association (HCCA)
- Long Term Care Education Planning Committee Member
- LeadingAge (formerly American Association of Homes and Services for the Aging), Core Member, Legal Committee

Pennsylvania:

- Dauphin County Bar Association
- LeadingAge PA (formerly PANPHA)
- Pennsylvania Advocacy and Resource for Autism and Intellectual Disabilities (PAR)
- Pennsylvania Association of County Affiliated Homes (PACAH), General Counsel
- Pennsylvania Association of Directors of Nursing Administration (PADONA/LTCN)
- Pennsylvania's Association for Long Term Care Medicine (PMDA)
- Pennsylvania Bar Association (PBA), Co-Chair, Mental Health Subcommittee (*Past Chair, Health Law Committee/Past Co-Chair, PBA Long Term Care Subcommittee/Past Chair, PBA Health Care Legislative Subcommittee*)
- Pennsylvania Community Providers Association (PCPA)
- Pennsylvania Health Care Association (PHCA)