



→ Gregory R. Smith

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Gregory Smith is a partner in the Governmental Practice in the firm's New York office.

Areas of Practice

With a broad regulatory and transactional background, Gregory routinely counsels clients on a wide range of health care matters. His practice is focused on compliance and regulatory issues, and includes extensive experience with federal and state anti-referral laws, including the federal Stark law, Anti-Kickback Statute and Civil Monetary Penalties Law.

Gregory has guided a broad range of providers through the voluntary self-disclosure process at the federal and state level, including disclosures of potential Stark law, Anti-Kickback and Civil Monetary Penalties Law violations. He has also represented a wide range of providers in Medicare, Medicaid and commercial payer audits and appeals, as well as nursing homes contesting deficiencies alleged by CMS and state oversight agencies. Gregory also has extensive experience negotiating settlements with a variety of federal and state agencies.

Gregory frequently works with providers to design and implement compliance programs that meet New York State requirements, conducts compliance training, and works closely with compliance officers to ensure that compliance issues are investigated and addressed appropriately. He regularly counsels clients on a wide variety of state and federal regulatory issues, including Medicare and Medicaid reimbursement guidelines, documentation and coding practices, state corporate practice of medicine prohibitions, fee-splitting, federal and state exclusion rules, the federal Anti-Markup Rule, professional misconduct rules, and conflicts of interest.

Articles

- Private Equity Faces Heightened FCA and Antitrust Scrutiny
PE Hub, 03.24.2023
- Authored chapter entitled "Billing and Reimbursement Issues for the Physician Office" and co-authored "Life-Sustaining Treatment Decisions" in the Legal Manual of New York Physicians (Sixth Edition)
- Co-author, An Uncertain Future: Examining Two Proposals for Health Care Reform, AHLA Connections, March 2017
- Co-author, Chapter 1 of the LUGPA Practice Management Playbook, entitled Legal and Economic Issues in Forming a Group Practice, 2017

- The Sunshine Act: How to Ensure the Accuracy of Your Disclosures, Medical Economics, March 20, 2014
- Key Provisions of the Patient Protection and Affordable Care Act, Journal of the American College of Radiology, January 2011
- Looking Ahead: 2010 OIG Work Plan, Journal of the American College of Radiology, February 2010

Healthcare Law Blog

- "CMS Finalizes Federal Minimum Staffing Standards for Nursing Homes," April 25, 2024
- "CMS Issues a Final Rule Requiring Nursing Facilities and Other Providers and Suppliers to Disclose Additional Ownership Information," November 16, 2023
- "Long Term Care Facilities Face Mandatory Minimum Staffing Requirements," September 6, 2023
- "OIG's Modernization of Compliance Program Guidance: What to Expect," May 11, 2023
- "CMS Issues Proposed Rule Requiring Nursing Homes to Disclose Additional Ownership Information, Including Ties to Private Equity and REITS," February 27, 2023
- "Nursing Homes Brace for Reforms and Heightened Government Scrutiny," January 17, 2023
- "Long Term Care Update: CMS Revises Criteria for its Special Focus Facility Initiative," October 27, 2022
- "U.S. Congressional Committee Takes Aim at For-Profit Nursing Homes," September 30, 2022
- "CMS Issues a "Roadmap" for the End of the COVID-19 Public Health Emergency and Blanket Waivers," September 6, 2022
- "Nursing Homes Beware: the Government has Increased Its Scrutiny of Related Parties," August 22, 2022
- "OIG Warns Physicians About Entering into Arrangements with Telemedicine Companies," July 25, 2022
- "CMS Adopts Major Changes to LTC Facility Surveyor Guidance," July 5, 2022

Media Mentions

HHS Releases Nursing Home Owner, Manager Disclosure Rule
Law360, 11.15.2023

Rising focus on False Claims puts skilled nursing providers in crosshairs, attorneys warn
McKnights Long-Term Care News, 08.09.2023

Speaking Engagements

- "Private Equity Firms Facing Heightened False Claims Act and Antitrust Risks," ABA's Health Law Roundtable, January 25, 2024
- "Focusing on Quality and Compliance," Greater New York Health Care Facilities Association, March 6, 2019
- "Federal and State Stark and Anti-Kickback Laws 'Decision Tree,'" New York State Bar Association Health Law Section, Fall Meeting, October 26, 2018

- "Year End Audit Update and Trending Topics for Physicians and Hospitals," Sunshine Act and Conflict of Interest, Healthcare Financial Management Association, November 21, 2013

Events

Tips for Evaluating the Effectiveness of your Compliance Program
Webinar, 03.20.2024

CMS Proposes Minimum Staffing Requirements for Skilled Nursing Facilities
Webinar, 09.27.2023

Discussion of How Home Health Agencies, Skilled Nursing Facilities Face Increased False Claims Act Enforcement Risk
Webinar, 08.02.2023

Beware: Private Equity Firms Facing Heightened False Claims Act and Antitrust Risks
Webinar, 04.26.2023

Essential Updates for Nursing Homes
Webinar, 03.22.2023

New York State OMIG Publishes New Guidance on Health Care Compliance Programs, Self-Disclosures and Medicaid Managed Care Fraud, Waste & Abuse Prevention
Webinar, 02.22.2023

Preparing for 2023: Nursing Homes Brace for Reforms and Heightened Government Scrutiny
Webinar, 01.19.2023

SNF Updates Including Implementation of Phase 3
Long Island Marriott, 09.14.2022

Memberships

American Health Care Association

National Center For Assisted Living

American Health Lawyers Association

New York State Bar Association

Health Care Compliance Association

Podcasts & Webinars

Tips for Evaluating the Effectiveness of your Compliance Program (and Why it Matters)
03.20.2024

CMS Proposes Minimum Staffing Requirements for Skilled Nursing Facilities
09.27.2023

Home Health Agencies, Skilled Nursing Facilities Face Increased False Claims Act Enforcement Risk
08.02.2023

Beware: Private Equity Firms Facing Heightened False Claims Act and Antitrust Risks
04.26.2023

New York State OMIG Publishes New Guidance on Health Care Compliance Programs, Self-Disclosures and Medicaid Managed Care Fraud, Waste & Abuse Prevention
02.22.2023

Preparing for 2023: Nursing Homes Brace for Reforms and Heightened Government Scrutiny
01.19.2023

Practices

False Claims Act
Governmental Practice
Healthcare

Education

J.D., Hofstra University School of Law, 1999, with distinction
B.A., State University of New York at Plattsburgh, 1993

Admissions

New York