



AMANDA M. WILWERT

PARTNER

KANSAS CITY OFFICE
7500 College Boulevard, Suite 1400
Overland Park, KS 66210-4041

T: 913.253.2181

awilwert@foulston.com

PROFILE

Amanda Wilwert is a member of Foulston's healthcare practice group in the firm's Kansas City office. She represents a broad range of healthcare providers, including hospitals, ambulatory surgery centers, skilled nursing facilities, home health agencies, and licensed healthcare practitioners. She regularly counsels providers in healthcare regulatory matters, compliance, conditions of participation, conditions for coverage, state licensure, patient care issues, and Medicare and Medicaid reimbursement. She assists providers with HIPAA enforcement and compliance, including drafting and implementation of HIPAA compliance policies and procedures. Amanda advises clients in sensitive matters related to EMTALA, capacity to consent issues, patient care and treatment issues, and end-of-life matters.

Skilled in both healthcare transactions and litigation, Amanda is a trusted resource in change-of-ownership-related licensure issues, operating agreement transfers, and contract review, and litigates a variety of cases in the areas of hospital and physician regulation, and healthcare-specific reimbursement. Healthcare professionals call on her for representation in matters before the Kansas State Board of Healing Arts and other state licensing boards. Amanda also regularly serves as a patient care ombudsman in healthcare bankruptcy cases. In such capacity, she monitors the quality of patient care provided to patients of the debtor during the course of the bankruptcy case.

In her long-term care practice, Amanda routinely handles administrative, regulatory, and business issues. She has a wide variety of experience assisting long-term care clients with acquisitions, licensure, admission agreements, compliance plans, risk management, delivery of care, and managed care.

Education

- Washburn University (J.D., *cum laude*)
Technical Editor and Writer, Vol. 49; Articles Editor, Vol. 50 - *Washburn Law Journal*; National Order of Scribe
- Drake University (BA in Political Science)
Drake Mock Trial; Kappa Kappa Gamma Fraternity

Admissions

FOULSTON

ATTORNEYS AT LAW

- Kansas
- Missouri
- District of Columbia
- U.S. District Court for the District of Kansas
- U.S. Court of Appeals for the Tenth Circuit
- U.S. Court of Federal Claims

PRACTICE AREAS

- Healthcare
- Long-Term Care
- Administrative/Regulatory
- Privacy & Data Security
- Government Investigations & White Collar Crime

INDUSTRIES

- Healthcare
- Long-Term Care

RELEVANT EXPERIENCE

Scope of Practice

- Developed, revised, and implemented compliance programs and HIPAA policies for healthcare providers, long-term care providers, and group health plans.
- Represented healthcare providers in administrative proceedings involving Medicaid reimbursement.
- Successfully assisted newly constructed skilled nursing facility with state licensure.
- Assisted healthcare providers with facility transfer of ownership.
- Advised and assisted healthcare clients with internal investigations related to HIPAA, data security breaches, false claims, and other compliance-related matters.
- Assisted healthcare providers with the development of plan of correction (POC's) in response to survey deficiency findings and informal dispute requests.
- Represented individual healthcare providers in medical staff and peer review matters.
- Assisted providers on Medicare certification, recertification, and facility licensure.
- Advised and assisted providers with negotiation of managed care contracts.
- Assisted with development and implementation of medical staff bylaws.

FOULSTON

ATTORNEYS AT LAW

Prior Legal Experience

- Associate Attorney, Koprince Law LLC, August 2014 – April 2015
- Research Attorney, The Honorable Marla J. Luckert, Justice, Kansas Supreme Court, March 2012 – July 2014

PROFESSIONAL MEMBERSHIPS, AFFILIATIONS, AND HONORS

- Selected by peers for inclusion in *Best Lawyers: Ones to Watch®* in the area of Health Care Law, 2021-2024; Administrative / Regulatory Law, Corporate Governance and Compliance Law, and Privacy and Data Security Law, 2023-2024
- YWCA of Northeast Kansas Woman of Excellence Honoree (2021)
- American Health Lawyers Association
- Kansas Association of Hospital Attorneys
- Missouri Society of Health Care Attorneys
- Greater Kansas City Society of Healthcare Attorneys, Secretary (2019-2020); President (2020-present)
- Kansas Bar Association
- The Missouri Bar
- Johnson County Bar Association
- Kansas City Metropolitan Bar Association
- Kansas Women Attorneys Association, Lindsborg Conference Program Committee Chair (2020); Lindsborg Conference Co-Chair (2022-present)

COMMUNITY INVOLVEMENT

- Advisor to Omega Chapter (University of Kansas) of Kappa Kappa Gamma
- Enlisted Association of the National Guard of Kansas (EANGKS) Auxiliary, Vice President (2021 – present)
- Kappa Kappa Gamma Lawrence Alumni Association, Member
- P.E.O. Sisterhood, Member
- U.S. Masters Swimming, Member
- U.S. Golf Association, Member

PUBLICATIONS

2022

- CMS Interim Final Rule Calls for Healthcare Staff Vaccinations by January 4
-Midwest Employment Law Letter, Vol. 3, No. 1

FOULSTON

ATTORNEYS AT LAW

2021

- Health Law Chapter
 - Kansas Bar Association Annual Survey of Law
- Chapter 6 Payer Programs and Policies: Utilization Management and Quality Assurance
 - AHLA Health Plans Contracting Handbook: A Guide for Payers and Providers 8th Edition

2020

- Health Law Chapter
 - Kansas Bar Association Annual Survey of Law

2019

- Health Law Chapter
 - Kansas Bar Association 2019 Annual Survey of Law
- Co-author, Chapter 14 Medical Necessity, Claims, and Payment Processes
 - AHLA Health Care Compliance Legal Issues Manual 5th Edition

2018

- Health Law Chapter
 - Kansas Bar Association 2018 Annual Survey of Law

2017

- Health Law Chapter
 - Kansas Bar Association 2017 Annual Survey of Law

2016

- Health Law Chapter
 - Kansas Bar Association 2016 Annual Survey of Law

PRESENTATIONS

2023

- Be Curious, Not Judgemental - Responding to Adverse Events in Healthcare Facilities (Foulston Siefkin LLP, Health Law Institute)
- Whetting Your Appetite: Healthcare 2023 Year in Review (Foulston Siefkin LLP, Health Law Institute)
- Everything Ethics, Everywhere, All at Once (Foulston Siefkin LLP, Corporate Counsel Series: Ethics 2023)
- Do Not Block: The Information Blocking Rule (KHIMA and MoHIMA Joint Annual Meeting)
- Legal Issues in Nursing – How to Stay out of Court and Jail (AORN KC New Trends in Health Care 2023 Conference & Vendor Fair)

FOULSTON

ATTORNEYS AT LAW

2022

- 2022 Year in Review (HINK Board of Directors Meeting)
- HIPAA Hustle (KHIMA Fall Meeting)
- The Compliance Cha-Cha (Foulston Siefkin LLP, Health Law Institute)
- Legislation, Litigation, and Other Trends (Foulston Siefkin LLP, Health Law Institute)

2021

- Health Law Update (HINK Board of Directors Meeting)
- Legislation, Litigation, and Other Trends (Foulston Siefkin LLP, Health Law Institute Webinar Series)
- Vaccines & Masks & Surveys, Oh My! COVID-19 Issues from an Employment and Health Law Perspective (Foulston Siefkin LLP, Health Law Institute Webinar Series)
- Stump the Panel (Foulston Siefkin LLP, Health Law Institute Webinar Series)
- What's Next? Information Blocking Compliance (Missouri Rural Health Association, Annual Conference)
- Keep Calm and Compliance On - Compliance Basics and Beyond (Missouri Rural Health Association, Annual Conference)
- HIPAA Breach Notification Manual and Information Blocking (Great Plains Health Alliance, Inc.)
- Information Blocking and Beyond (Kansas Hospital Association Noon Briefing)
- Ethical Fairy (and Scary) Tales (Greater Kansas City Society of Healthcare Attorneys)

2020

- Information Blocking and Beyond: What Healthcare Providers Need to Know (Foulston Siefkin LLP, Health Law Institute Webinar Series)
- Your Authentic Legal Brand 2.0 (Kansas Women Attorneys Association, 31st Annual Lindsborg Conference)
- Once Upon a Time: Ethical Fairy (and Scary) Tales (Foulston Siefkin LLP, Corporate Counsel Series: Ethics 2020)

2019

- Do Not Block: The New Information Blocking Rule (Foulston Siefkin LLP, Health Law Institute)
- The Top 10 Healthcare Issues to Watch in the Coming Year (Foulston Siefkin LLP, Health Law Institute)
- Compliance Conundrums (Greater Kansas City Society of Healthcare Attorneys)
- Risk Management, EMTALA, and Damage Caps (Great Plains Health Alliance, Inc., Risk Management Roundtable)
- Compliance 101: Creating a Culture of Compliance (Missouri Rural Health Association, Annual Conference)
- Practical Approaches to Behavioral Healthcare in Emergency Departments (Missouri Rural Health Association, Annual Hungry, Hungry HIPAA (Kansas Women Attorneys Association, 30th Annual Lindsborg Conference)
- Your Authentic Legal Brand (Kansas Women Attorneys Association, 30th Annual Lindsborg Conference)

FOULSTON

ATTORNEYS AT LAW

- "Is This Thing On?" Lawyers Who Talk Too Much and Other Ethical Mishaps (Foulston Siefkin LLP, Corporate Counsel Series: Ethics 2019)
- Storms They Are A-Brewing: CMS' Final Rule on Emergency Preparedness Requirements & Management Plans (2019 South Central Kansas Health & Medical Symposium)
- Keep It Secret; Keep It Safe: HIPAA Privacy and Security Update (Greater Kansas City Society of Health Attorneys)

2018

- Keep It Secret; Keep It Safe: HIPAA Privacy and Security Update (Foulston Siefkin LLP, Health Law Institute)
- HIPAA vs. C.F.R. Part 2: Practical Guidance for Disclosing Behavioral Health Information (Foulston Siefkin LLP, Health Law Institute)
- Health Care in the USA (Kansas Women Attorneys Association, 29th Annual Lindsborg Conference)
- Who Wants to Be an Ethical Lawyer? (Foulston Siefkin LLP, Ethics Seminar for Corporate Counsel)

2017

- Storms They Are A-Brewing: CMS' Final Rule on Emergency Preparedness Requirements and Management Plans (Foulston Siefkin LLP, Health Law Institute)
- No Such Thing as a Routine Chart Audit Request from a Medicare or Medicaid Contractor (Foulston Siefkin LLP, Health Law Institute)
- HIPAA Update: Enforcement, Security, Audits, & More (Kansas Bar Association, Health Law CLE)
- Compliance Programs 101 (Foulston Siefkin LLP, Health Law Compliance Forum)
- Creating a Culture of Compliance (Foulston Siefkin LLP, Health Law Compliance Forum)
- Compliance Questions You Always Wanted to Ask, But Were Afraid To (Foulston Siefkin LLP, Health Law Compliance Forum)

2016

- HIPAA Privacy Pitfalls: Patient Access, Copy Charges, and Subpoenas (Foulston Siefkin LLP, Health Law Institute)
- Risk Management Overview (Foulston Siefkin LLP, Health Law Institute)

2015

- Kansas Law Changes to Medical Records, County Hospital Clinics & More (Foulston Siefkin LLP, Health Law Institute)

ISSUE ALERTS

2023

- Healthcare Providers, The End is Near: CMS Issues Guidance for Expiration of COVID-19 Public Health Emergency

FOULSTON

ATTORNEYS AT LAW

- COVID-19 Vaccination Requirements for Federal Employees, Federal Contractors, and CMS-Certified Providers Will End

2021

- Coronavirus: UPDATE: Court Temporarily Blocks CMS Omnibus COVID-19 Healthcare Staff Vaccination Requirements in Kansas, Missouri, and 8 Other States
- Coronavirus: CMS Releases Omnibus COVID-19 Healthcare Staff Vaccination Interim Final Rule
- Coronavirus: Biden Administration to Require Vaccination of Nursing Home Staff
- Coronavirus: CMS Eases Nursing Home Visitation Guidelines to Address COVID-19 Vaccinations and Slowing Infections

2020

- Coronavirus Update: CMS Issues New Nursing Home Visitation Guidelines
- Coronavirus: Nursing Homes Required to Report COVID-19 Cases to CDC, Residents, and Resident Representatives
- Coronavirus: HIPAA Privacy Rules and the COVID-19 Pandemic
- Coronavirus: Telehealth Requirements Relaxed Amid COVID-19 Public Health Emergency
- Coronavirus: Update CMS Directs Nursing Homes to Restrict Visitation Nationwide
- Coronavirus: CMS Orders Significant Monitoring and Restriction of Nursing Home Visitors
- Coronavirus: Emergency Preparedness Plans and Operational Guidance for Hospitals and Other Healthcare Facilities in Confronting COVID-19
- District Court Strikes Down Office for Civil Rights 2016 HIPAA Right to Access Guidance Application to Third Parties

2019

- MO HealthNet OPRA Provider NPI and Enrollment Requirements: Warning Phase Ends November 1, 2019
- New "Stop Human Trafficking" Poster Requirements in Missouri

2018

- HHS Issues Request for Information Seeking Input on HIPAA Improvements
- CMS Says Don't Text Patient Orders

2017

- Is Your Emergency Preparedness Plan Consistent with CMS Standards?

2016

- New HIPAA Guidance Removes Roadblocks to Patient Access: But at What Cost to Providers?
- CMS Issues Final 60-Day Overpayments Rule: It's All About A Provider's Risk Tolerance