



BROOKE BENNETT AZIERE

PARTNER

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PROFILE

Foulston Siefkin partner Brooke Bennett Aziere leads the firm's healthcare practice group and has devoted her professional career to advising and counseling healthcare clients. An attorney experienced in representing almost every type of healthcare provider, Brooke's deep understanding of the highly regulated healthcare environment allows her to match Foulston health lawyers to a client's needs. From healthcare-specific reimbursement, certification, licensing, and compliance matters to representing healthcare providers in litigation or helping them conduct nearly any business matter, Brooke has the expertise to quickly assess core concerns and provide timely, relevant counsel – either personally or within the firm's healthcare practice group. She is a frequent lecturer on healthcare law topics as well as a member of the American Health Law Association, the Kansas Association of Hospital Attorneys, the Greater Kansas City Society of Healthcare Attorneys, and the Health Law Section of the State Bar of Texas. Brooke has been selected by her peers for inclusion in *The Best Lawyers in America*® for Health Care Law 2021-2024 and the *Missouri and Kansas SuperLawyers*® Rising Stars list.

CLIENTS

Brooke has a wide variety of experience representing hospitals, ambulatory surgery centers, physician groups, skilled nursing facilities, recovery care centers, behavioral health providers, home health agencies, durable medical and orthotics suppliers, third-party billing companies, physicians, nurses, and numerous medical groups.

HEALTHCARE

Brooke's healthcare practice includes assisting providers with Medicare and Medicaid reimbursement, negotiating managed care and other payor contracts, representing providers in business transactions and acquisitions, drafting and implementing compliance programs, advising clients on licensure and the Medicare Conditions of Participation and Conditions for Coverage, and EMTALA compliance. Her ability to analyze and translate complex legal and regulatory matters into practical advice for clients is invaluable in matters ranging from HIPAA enforcement and compliance, and medical staff bylaws and credentialing to risk assessment and management.

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ATTORNEYS AT LAW

Brooke also litigates a variety of cases in state and federal courts and before administrative agencies. She has successfully represented physicians, dentists, nurses, and other healthcare professionals before licensure boards as well as assisting her clients in tort and contract cases, RAC and Medicaid appeals, and commercial disputes. She defends healthcare providers during government investigations (qui tam or False Claims Act) and attendant regulatory or civil matters.

LONG-TERM CARE

In her long-term care practice, Brooke routinely handles issues related to business operations, compliance, administrative and regulatory requirements, bioethical questions, and elder abuse. She provides services to clients throughout the continuum of long-term care and housing, including assisted living, independent living, Alzheimer's care, skilled nursing, and home-plus settings, dealing with admissions agreements, licensure, physician relationships, policies, risk management, delivery of care, and managed care.

MEDICAID HOME AND COMMUNITY-BASED SERVICE (HCBS) PROVIDERS

Brooke has extensive experience assisting Medicaid Home and Community-Based Service Providers with licensure and regulatory issues.

Education

- University of Kansas (J.D., *magna cum laude*)
Order of the Coif; Faculty Award for Outstanding Scholastic Achievement; Phi Kappa Phi Honor Society; Articles Editor - *Kansas Law Review*
- Friends University (B.A. in Political Science and History, *summa cum laude*)

Admissions

- Kansas
- Missouri
- Pennsylvania
- Texas
- U.S. District Court for the District of Kansas
- U.S. Court of Appeals for the Tenth Circuit

PRACTICE AREAS

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

INDUSTRIES

- Healthcare
- Long-Term Care

RELEVANT EXPERIENCE

- Assisted in the acquisition of multi-facility ambulatory surgical centers in multiple states.
- Developed compliance plan for multiple ambulatory surgical centers and hospitals.
- Negotiated operating and lease agreements for operation of behavioral health treatment and recovery center.
- Resolved home health agency licensure action.
- Represented institutional and individual healthcare providers in investigations and negotiations with the U.S. Department of Health and Human Services, Office of Inspector General, and the U.S. Attorney's Office for the District of Kansas.
- Assisted healthcare providers and long-term care providers with the development, revision, and implementation of compliance programs and HIPAA policies.
- Assisted business clients with the development, revision, and implementation of HIPAA policies for group health plans.
- Represented healthcare providers, long-term care providers, and child-placing agencies in administrative proceedings involving licensure issues.
- Advised and assisted healthcare providers and long-term care providers with internal investigations related to HIPAA, data security breaches, Medicare and Medicaid reimbursement, false claims, the Anti-Kickback Statute, and other compliance-related matters.
- Represented individual healthcare providers in medical staff and peer review matters.
- Advised healthcare providers and long-term care providers on Medicare certification and facility licensure.
- Advised and assisted healthcare providers, long-term care providers, and HCBS providers with negotiation of managed care contracts (e.g., KanCare).
- Represented healthcare providers and HCBS providers in administrative proceedings involving Medicaid appeals.
- Assisted hospitals, clinics, home-health providers, long-term care facilities and other provider and supplier types with Medicare and Medicaid enrollment including change of ownership.
- Advised and assisted hospitals with development and implementation of medical staff bylaws.
- Advised hospitals and ambulatory surgery centers on medical staff and peer review matters.
- Advised hospitals on EMTALA matters.
- Advised healthcare providers on risk management issues.
- Represented healthcare providers during Office for Civil Rights (OCR) investigations related to HIPAA compliance and Section 1557.
- Participated in and assisted clients with internal investigations on compliance-related matters.

PROFESSIONAL MEMBERSHIPS, AFFILIATIONS, AND HONORS

- Selected by peers for inclusion in *The Best Lawyers in America*® for Health Care Law, 2021-2024
- Selected by peers for inclusion in *Missouri & Kansas Super Lawyers*® *Rising Star* List, 2010-2018 (a Thomson Reuters business)
- Wichita Business Journal, 40 Under 40 Hall of Fame, 2023
- Wichita Business Journal, Women Who Lead in Legal, 2023
- Wichita Business Journal, Women Who Lead in Professional Services, 2020
- Wichita Business Journal, Women in Business, 2018
- Wichita Business Journal, Bizwomen Mentoring Monday, Mentor and Moderator, 2017-2020, 2023
- Wichita Business Journal, Career Women, 2017
- Wichita Business Journal / Kansas Leadership Center Emerging Leader, 2015; Emerging Leaders Panelist, December 10, 2015
- Wichita Business Journal, 40 Under 40 Business Leader, 2014
- American Bar Association
- Kansas Bar Association
- Wichita Bar Association, Law in Education Committee
- Wesley E. Brown American Inn of Court, 2008-2015, Executive Committee, 2012-2013
- American Health Law Association
- Greater Kansas City Society of Healthcare Attorneys
- Missouri Society of Health Care Attorneys
- Kansas Association of Hospital Attorneys
- State Bar of Texas

PRESENTATIONS

2023

- HIPAA Haiku: Helping you Navigate HIPAA Privacy, Security, and Breach Notification Rules (Annual Power Up! Conference, InterHab)
- HIPAA Hodgepodge (Health Law Institute, Foulston Siefkin LLP)
- HIPAA 2023 Review (Great Plains Health Alliance, Inc., Sunflower Health Network, Med-OP, and Pioneer Health Network's HIPAA Network Meeting)
- Malpractice/Risk within ASC's (2023 Midwest ASC Conference)
- Keep Calm and Compliance On Compliance Basics and Beyond (2023 LeadingAge Kansas Spring Conference and Expo)
- Plan of Correction Do's and Don'ts (Kansas Joint Provider/Surveyor Training, LeadingAge Kansas)

2022

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ATTORNEYS AT LAW

- Disruptive Provider Behavior: To Manage or Discipline? That is the Question (Health Law Institute, Foulston Siefkin LLP)
- HIPAA Haiku (Health Law Institute, Foulston Siefkin LLP)
- Legislation, Litigation, and Other Trends (Health Law Institute, Foulston Siefkin LLP)
- HIPAA 2022 Review (Great Plains Health Alliance, Inc., Sunflower Health Network, Med-OP, and Pioneer Health Network's HIPAA Network Meeting)
- What To Do After an Adverse Event (Client Presentation)
- Medication Management, Safety, Diversion, & Impact (Client Presentation)
- A Social Service Director's Role in Conducting Investigations (Client Presentation)

2021

- Legislation, Litigation, and Other Trends (Foulston Siefkin LLP, Health Law Institute Webinar Series)
- HIPAA Hustle (Foulston Siefkin LLP, Health Law Institute Webinar Series)
- Stump the Panel (Foulston Siefkin LLP, Health Law Institute Webinar Series)
- Section 1557 Compliance Transgender Individuals and Healthcare (Client Presentation)
- HIPAA Update (Kansas Hospital Association, Virtual Convention and Trade Show)
- The Accuracy of the Medical Record (Client's Leadership Conference)
- HIPAA: Let's Review Where We Are At (Great Plains Health Alliance, Inc., Sunflower Health Network, Med-OP, and Pioneer Health Network's HIPAA Network Meeting)
- EMTALA, HIPAA, and Stark Law (Client's Emerging Leaders Program)
- 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 Security Assessments (Client's Nursing and Quality Leader and Supply Chain Conference)
- HIPAA Breach Notification Manual and Information Blocking (Client Presentation)
- Information Blocking and Beyond (Kansas Hospital Association Noon Briefing)

2020

- HIPAA Hero (2020 Virtual InterHab PowerUp! Conference)
- Legal and Ethical Issues Confronting Social Workers (Client's Leadership Conference)
- Information Blocking and Beyond: What Healthcare Providers Need to Know (Foulston Siefkin LLP, Health Law Institute Webinar Series)
- 2019 OIG Work Plan and Rural Examples (Kansas Hospital Association, Corporate Compliance Workshop)
- Ethical Dilemmas; How to Manage Disruption in the Workplace (Kansas Hospital Association, Corporate Compliance Workshop)

2019

- HIPAA Hero (Foulston Health Law Institute)
- The Top 10 Healthcare Issues to Watch in the Coming Year (Foulston Health Law Institute)

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- Documentation Do's and Don'ts (Great Plains Health Alliance, Inc., DON/HIM/SSB/LTC Roundtable)
- Privacy/Breach Review (Great Plains Health Alliance, Inc., Sunflower Health Network, Med-OP, and Pioneer Health Network's HIPAA Privacy and Security Updates Conference)
- Risk Management, EMTALA, and Damage Caps (Great Plains Health Alliance, Inc. Risk Management Roundtable)
- Compliance, Risk Management, and Other Legal Issues and Trends (Client's Leadership Conference)
- Compliance 101: Creating a Culture of Compliance (Missouri Rural Health Conference)
- Practical Approaches to Behavioral Healthcare in Emergency Departments (Missouri Rural Health Association, Annual Conference)
- OCR Phase 2 Audits: What We Learned From the Regulators and What We Didn't (Kansas Health Information Management Association Annual Meeting)
- Improving Risk Management & Compliance (Client's Nursing and Supply Chain Conference)
- Keep Calm and Compliance On: Creating a Culture of Compliance (Great Plains Health Alliance, Inc. CEO Roundtable)
- Storms They Are Abreaving: CMS' Final Rule on Emergency Preparedness Requirements & Managements Plans (2019 South Central Kansas Health & Medical Symposium)

2018

- HIPAA (Great Plains Health Alliance, Inc. CEO Roundtable)
- Keep It Secret; Keep It Safe: HIPAA Privacy and Security Update (Foulston Siefkin Health Law Institute)
- Compliance Conundrums (Foulston Siefkin Health Law Institute)
- Compliance/HIPAA Update (Client's Leadership Conference)
- Privacy/Breach Review (Great Plains Health Alliance, Inc., Sunflower Health Network, Med-OP, Pioneer Health Network, HIPAA Update)

2017

- Privacy/Breach Review (Great Plains Health Alliance, Inc., Sunflower Health Network, Med-OP, Pioneer Health Network, HIPAA Update)
- EMTALA Refresher 101 (Great Plains Health Alliance, Inc., Director of Nurses, Health Information Managers, and Swing Bed Directors Roundtable)
- Hungry, Hungry HIPAA (Foulston Siefkin Health Law Institute)
- Compliance Gotchas and Emerging Risk Areas, Co-Presenter (Foulston Siefkin Health Law Institute)
- No Such Thing as a Routine Chart Audit Request from a Medicare or Medicaid Contractor, Co-Presenter (Foulston Siefkin Health Law Institute)
- HIPAA Update: Enforcement, Security, Audits, & More, Co-Presenter (KBA Health Law CLE)
- Compliance Landmines (Foulston Siefkin Health Law Compliance Forum)
- Creating a Culture of Compliance, Co-Presenter (Foulston Siefkin Health Law Compliance Forum)

2016

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- HIPAA Security Survival: Enforcement, Ransomware, and Texting (Foulston Siefkin Health Law Institute)
- HIPAA Privacy Pitfalls: Patient Access, Copy Charges, and Subpoenas (Foulston Siefkin Health Law Institute)
- Section 1557 Nondiscrimination Rules, Co-Presenter (Foulston Siefkin Health Law Institute)
- Anatomy of an Office for Civil Rights Complaint (HIMSS, Spring 2016 Education Conference)
- The Anatomy of an Actual OCR Investigation (Kansas Health Information Management Association (KHIMA), Spring Meeting)
- Current HIPAA Security Landscape (Kansas Adult Care Executives (KACE), Tanner-Foster Conference)

2015

- Practical Guidance in Handling Overpayments in Light of 60-Day Repayment Rule Case (Foulston Siefkin, Kansas Health Law Institute)
- Current HIPAA Security Landscape (Foulston Siefkin, Kansas Health Law Institute)
- EHR Liabilities: Minimizing Risk (Kansas Health Information Management Association (KHIMA), Spring Meeting)
- HIPAA: What Do Self-Insured Employers Need to Know? (Kansas SHRM, KSSHRM 2015 Conference)
- Medicare Provider Enrollment – Traps for the Unwary (Foulston Siefkin LLP, Kansas City Health Law Institute)
- HIPAA Security: Focus on Integrated Management of Security Issues (Foulston Siefkin LLP, Kansas City Health Law Institute)

PUBLICATIONS

2022

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

2021

- Chapter 6 Payer Programs and Policies: Utilization Management and Quality Assurance
-AHLA Health Plans Contracting Handbook: A Guide for Payers and Providers 8th Edition

2019

- Chapter 14 Medical Necessity, Claims, and Payment Processes
-AHLA Health Care Compliance Legal Issues Manual 5th Edition

2016

- Health Law Chapter
-Kansas Bar Association's 2016 Annual Survey

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2015

- Health Law Chapter
-Kansas Bar Association's 2015 Annual Survey

ISSUE ALERTS

2023

- OCR Announces the End of COVID-19 Public Health Emergency HIPAA Notifications of Enforcement Discretion
- FTC's Proposed Ban on Noncompete Agreements and the Impact on Healthcare Organizations

2021

- Coronavirus: CMS Releases Omnibus COVID-19 Healthcare Staff Vaccination Interim Final Rule
- Coronavirus: HHS To Issue \$25.5 Billion in COVID-19 Provider Relief Funding
- 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: Kansas Governor Issues Executive Order Suspending Supervision Requirements for Physician Assistants and Nurse Practitioners
- Coronavirus: Nursing Homes Required to Report COVID-19 Cases to CDC, Residents, and Resident Representatives
- Coronavirus: Some Good News (Finally) – CMS Issues Guidance Aimed at Resuming Non-Emergent Healthcare Services
- 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

- CMS Eases Supervision Requirements for Outpatient Therapeutic Services Provided in Hospitals and Critical Access Hospitals

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- CMS Eases ASC Regulations Concerning Patient Transfers, Examinations, and Emergency Preparedness Planning
- MO HealthNet OPRA Provider NPI and Enrollment Requirements: Warning Phase Ends November 1, 2019
- New DOJ Guidance Takes a Closer Look at Corporate Compliance Programs and Incentivizes Cooperation in False Claims Act Violations

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

- CMS Clarifies Off-Campus Provider-Based Billing Prohibition
- 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

2015

- CMS Clarifies "Incident-To" Billing Rules: Billing Physician Must Supervise Incident-To Services

COMMUNITY INVOLVEMENT

- Friends University President's Advisory Council
- University of Kansas School of Law, Board of Governors
- Haysville Community Library Board
- Haysville Education Foundation
- City of Haysville, Historic Committee
- The Pando Initiative (formerly Communities in Schools), Board of Directors, 2013-2019
- Wichita Habitat for Humanity build, November 2018; October 2023
- Wichita Habitat for Humanity, Wonder Week 2010
- Wichita Crime Commission, 2011-2015
- American Heart Association, Board of Directors, 2010-2011
- TFI Family Services Wichita Community Resource Council, 2007-2008
- American Diabetes Association Leadership Council, 2005-2007