

Phyllis Adams

Member

Ann Arbor

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Areas Of Practice

Health Care

Nonprofits & Tax-Exempt
Organizations

Long-Term & Post-Acute Care
Providers

Health Care Administrative Law &
Regulatory Appeals

Industries

Dental Service Organizations
Industry Group

Education

Insurance Industry Group

Insurance Regulatory and
Compliance

Bar Admissions

Michigan, 1991

Education

Wayne State University, J.D., *cum
laude*

University of Michigan, B.S.

Phyllis G. Adams' practice is devoted to representation of clients in the health care sector with respect to corporate and regulatory issues, including long-term care and assisted living facilities, continuing care retirement communities (CCRCs), ambulatory surgery centers (ASCs), and hospitals. In particular, Ms. Adams' practice focuses on certificate of need (CON) issues, health facility acquisitions and other changes of ownership, including related licensure and Medicare/Medicaid certification matters, CCRC registrations, long-term care/skilled nursing facility management and operating agreements, assisted living licensure matters, and health care joint ventures. Ms. Adams is a member of the Firm's Executive Board and the former Practice Group Leader for the Firm's Health Care practice area.

Experience

- Change of ownership (CHOW) of large chain organization skilled nursing facilities and nursing homes, including Medicare and Medicaid enrollment, CMS 855A registration, licensure and certification survey issues, CMS regional office approvals and Medicare Tie-in notices, Medicare intermediary matters, State Medicaid enrollment and certification, licensure issues and risk assessment.
- Start-up CHOW of ASCs including CON requirements, CON applications, and CON appeals, BCBSM evidence of necessity (EON) applications and approvals, timing for ASC accreditation through JCAHO, AAAHC or other accrediting organizations, assistance with MDCH construction plan review and permit process, and initial certification surveys.
- Appeals of adverse determinations by Medicare as to the effective date of Medicare and Medicaid certification for CHOW or initial Medicare certification of health care facilities, including applicable Life Safety Code (LSC) compliance and certification issues for hospitals, skilled nursing facilities (SNFs) and ASCs.
- ASC buy-outs and restructuring transactions including compliance with state and federal anti-kickback laws and requirements, disclosure requirements, and related regulatory impact of reorganization.
- CON applications for acquisition, replacement and relocation of acute care and psychiatric hospital beds, nursing home beds (including CON approvals for special population beds for Alzheimer residents, hospice use or special religious needs), nursing home "green house" and new model design projects, Facility Innovative Design Supplement (FIDS) program issues under the Michigan Medicaid program.

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- CON applications and representation as to CON covered clinical equipment, including CT scanner, MRI units, megavoltage radiation therapy (MRT) units and services, surgical services/operating rooms (hospital and ASC), diagnostic and therapeutic cardiac catheterization labs and rooms, open heart surgery programs, and PET scanners.
- CON appeals and representation of clients before the Michigan CON Commission and Standard Advisory Committees, membership on various CON informal task forces and CON workgroups, advise and counseling regarding development of CON strategies, including modifications to current CON Standards, preparation of CON position papers and related documents.
- Representation of long-term care and nursing home clients with respect to Medicare certification for skilled nursing facilities (SNFs), SNF operational and compliance issues, including assistance with development of SNF compliance programs and materials consistent with applicable OIG guidance and anti-fraud provisions of the Deficit Reduction Act (DRA).
- Nursing home/SNF management contracts and operational agreements, including management agreements for county medical care facilities, representation of REITs regarding nursing home/SNF properties and management issues, including regulatory matters related to foreclosure and termination of leases for nursing home/SNF operators/lessees.
- Assisted living licensure issues, including regulation of non licensed assisted living facilities, development of assisted living contracts, including food service contracts, personal care services agreements/private duty nursing service agreements, home for the aged (HFA) licensure and licensure of facilities as adult foster care facilities.
- CCRCs including initial registration under the Living Care Disclosure Act, disclosure statements, residency agreements, annual CCRC registration, operational issues, discrimination issues for CCRCs under the federal Fair Housing Act and applicability of state landlord-tenant and other laws.
- Imaging contracts and joint ventures including mobile routes and mobile imaging services for MRI, CT and PET scanning units; management contracts and operating agreements for management or operation of imaging centers and services; IDTF enrollment and requirements, initial certification of IDTFs and CMS 855B applications for IDTF billing.
- Acquisition of psychiatric hospitals, psychiatric hospital licensure and certification issues, preparation of CON applications related to addition of new psychiatric hospital beds, relocation of existing hospitals and services, and replacement psychiatric hospital facilities.
- Licensure and certification issues related to hospitals and nursing home facilities in Chapter 11 bankruptcy proceedings, coordination of nursing home facility closures and transition to closing, disposition of nursing home beds from nursing homes/SNFs subject to closure action, including disposition of CON, de-licensure and de-certification from participation in Medicare and Medicaid.
- Medicare provider-based determinations and issues and related licensure and compliance issues under State law for hospital outpatient departments and services, including surgical services and outpatient freestanding surgical outpatient facility requirements.

State Work Groups and Task Forces

- LeadingAge Michigan Continuing Care Policy Council, 2004—present
- Michigan Department of Community Health, Office of Public Health Preparedness, Long-term Care Task Force, 2007
- CON Commission Informal Workgroup on Psychiatric Beds and Services, June to November 2006
- LeadingAge Michigan Task Force on Assisted Living Regulation, 2006
- LeadingAge Michigan Task Force on CON Standards for Nursing Homes, 2006
- LeadingAge Michigan Task Force on Regulation of Continuing Care Retirement Communities, 2006
- CON Special Task Force on CON Standards, 2002

Seminars & Speeches

Framing Up the Day, LeadingAge Michigan Liability Summit
July 21, 2021

Phyllis Adams (Cont.)

Post Pandemic Attorney-Client Concerns: Live Webinar Series, LeadingAge Michigan
June 25, 2020

Finance & Strategy Day, Interactive Discussion of Strategies for Property Tax Exemption Risk, Speaker, Leading Age Michigan
September 10, 2019

Preparing for Change: Steps That SNF;s Can Take Now to Prepare for the Inevitable, Speaker, LeadingAge Michigan
November 12, 2015

Michigan Continuing Care Community Disclosure Act, Presenter and Panelist, LeadingAge Michigan Living Care Disclosure Act Symposium
February 25, 2015

Recent HUD Conciliation Agreements and Reasonable Accommodation Issues: Potentially Discriminatory Advertising and Marketing Practices by Senior Housing Communities, Presenter, LeadingAge Michigan Fair Housing Act Boot Camp
February 25, 2015

SNF Regulatory Day: OIG Report on Compliance with Federal Regulations for Reporting Allegations of Abuse or Neglect
September 17, 2014

Moving Forward on Accountable Care System, Panel Participant, LeadingAge Michigan Annual Leadership Institute
August 2014

Home the Aged Regulatory Update, Panelist, LeadingAge Michigan
November 2013

Certificate of Need—Understanding your Market, LeadingAge Michigan
April 25, 2013

Key Compliance Issues for 2012, 14th Annual Compliance Seminar Co-Sponsored by Dykema and HFMA
March 28, 2012

Key Compliance Issues for 2012
January 19, 2012

In the Crosshairs: The Intersection of Management Prerogative and Resident Demand Across the Continuum, Aging Services of Michigan 42nd Annual Conference and Trade Show (Co-presented with Joanne Lax, Dykema)
April 2010

Medicare Certification and Enrollment Compliance Issues, Healthcare Financial Management Association, Great Lakes Chapter
January 2010 and April 2010

Off-Campus Hospital Outpatient Departments and other Physical Plant Issues for Health Care Providers, Healthcare Financial Management Association, Great Lakes Chapter
January 2010 and April 2010

Is Your Board "On Board" With Quality Improvement?, Aging Services of Michigan 41st Annual Conference and Trade Show (Co-presented in conjunction with Mr. Ray Rabidoux, President & CEO, Glacier Hills, Inc.)
April 2009

The Michigan CON Program: New Developments and Compliance Issues, Healthcare Financial Management Association, Great Lakes Chapter (Co-presented with Mr. Larry Horvath, Manager, CON Section, Michigan Department of Community Health)
April 2009

The Michigan CON Program: New Issues and Development for Health Care Attorneys, State Bar of Michigan, Health Law Section (Co-presented with Mr. Larry Horvath, Manager, CON Section, Michigan Department of Community Health)
March 2009

CON Issues for New Design Model Projects, Alzheimer and Behavioral Beds, Michigan County Medical Care Facilities Council Fall Financial Conference
Fall 2008

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Certificate of Need Revisions and Updates, Health Care Association of Michigan/Michigan Center for Assisted Living, Annual Convention & Expo
September 2008

Certificate of Need Revisions and Updates, Health Care Association of Michigan, Spring Financial Conference
Spring 2008

Imaging Contracts: New Issues and Legal Challenges, Healthcare Financial Management Association, Great Lakes Chapter
April 2007

CON Commission Update and NH Standard Advisory Committee, Michigan Association of Homes and Services for the Aging Spring Conference
Spring 2007

CON Commission Update, Michigan Association of Homes and Services for the Aging Leadership Conference
December 2006

The Deficit Reduction Act: Change in Medicaid Financing for Long-Term Care, Michigan Association of Homes and Services for the Aging Leadership Conference
December 2006

Pandemic Flu Preparedness for Long-Term Care Facilities, Michigan Association of Homes and Services for the Aging
September 18, 2006

CON Compliance and Enforcement Update, Healthcare Financial Management Association, Great Lakes Chapter
March 2006

Michigan Certificate of Need Compliance and Enforcement Issues, Michigan State Bar, Health Law Section, (Co-presented with Jan Christensen, Deputy Director of Policy, Michigan Department of Community Health)
March 2006

Ambulatory Joint Ventures, Healthcare Financial Management Michigan Fall Conference
Fall 2005

ASC Compliance Programs—Getting Started, Michigan Ambulatory Surgery Association
September 2005

Federal Medicare/Medicaid Antifraud Statute, Regulations and Safe Harbors: An Educational Program for Large Physician Office Practices, Medical Office Managers Association
October 2003

Hospital/Physician Joint Ventures: An Ambulatory Survey Center Case Study, Healthcare Financial Management Association, Great Lakes Chapter
April 2003

Corporate Affiliations and Reorganizations, Healthcare Financial Management Association, Great Lakes Chapter
April 2002

Incorporating CON Compliance Issues into Provider Compliance Programs, Michigan Society of Healthcare Planning and Marketing
November 2001

Point and Counterpoint Discussion on *How the CON Program Addresses Cost, Quality and Access*, Michigan Department of Community Health 35th Annual Health Facilities Planning Seminar (In conjunction with Alliance for Health)
October 2001

Publications

Michigan Supreme Court to Rule on Property Tax Exemptions—Michigan Association of Homes and Services for the Aging Amicus Curiae Brief
August 2005

Phyllis Adams (Cont.)

News

Phyllis Adams Named A “Leader in the Law” by *Michigan Lawyers Weekly*
February 26, 2018

Phyllis Adams and Rochelle Lento to Present Fair Housing Acts Boot Camp
February 17, 2015

Phyllis Adams Appointed to LeadingAge Legal Committee
January 15, 2014

Phyllis Adams Honored at Aging Services of Michigan Awards Gala
June 14, 2012

Blog Posts

CARES: Implications for the Healthcare Industry

Memberships & Involvement

- American Bar Association, Health Law Section
- State Bar of Michigan, Health Law Section
- American Health Lawyers Association (AHLA)
- LeadingAge, Legal Committee Member
- Healthcare Financial Management Association, Eastern Michigan Chapter
- Michigan Association of Homes and Services for the Aging (MAHSA)
- Michigan Society of Healthcare Planning and Marketing (MSHPM)

Awards & Recognition

Named as “Lawyer of the Year” in Health Care Law by *The Best Lawyers in America*® in 2019 and 2021. Copyright 2015 by Woodward/White, Inc., Aiken, SC

Recognized in *The Best Lawyers in America*® for Healthcare, 2012-Present. Copyright 2015 by Woodward/White, Inc., Aiken, SC

Named a Top Lawyer by *dbusiness Magazine* for Health Care Law, 2015

Named a Michigan Leading Lawyer in the area of Health Law by the *Leading Lawyers Network*, 2014-2017. Law Bulletin Publishing Company

Named “LeadingAge Michigan Business Partner of the Year” by the Aging Services of Michigan, 2012

Recipient of a BV® Distinguished™ Rating by *Martindale-Hubbell*